

HOW TO BREAK THE LAW AND GET AWAY WITH IT

LEGAL FOUNDATIONS OF CIVIL DISOBEDIENCE

BY MARTIN GIRARD

DEDICATED TO CIVIL RIGHTS
PIONEERS PAST AND PRESENT
WHO BROKE UNJUST LAWS
UNTIL SOCIETY CAUGHT UP!



REVOLUTIONNow!.ca



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Dedicated to civil rights pioneers past and present who broke unjust laws until society caught up.

Credits to someone who does “absolutely-fucking-not” want to be named for editing this work.

Cover picture was captured at a rally for the Drug User Liberation Front (DULF) at Victory Square in Vancouver, British Columbia, on November 3 2023. Subject is David Hann, of the Vancouver Area Network of Drug Users (VANDU), shown literally breaking the law by smashing a piñata of the Controlled Drugs and Substances Act with a hockey stick.

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Author is not a lawyer, and no portion of this work should be construed as legal advice—quite the contrary.

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Introduction

Unjust laws exist; shall we be content to obey them, or shall we endeavor to amend them, and obey them until we have succeeded, or shall we transgress them at once?

Henry David Thoreau, *Civil Disobedience and Other Essays* (1849)

Have you ever reflected upon how the rights and freedoms you enjoy today came to be?

If you're fortunate enough to live in a state whose government doesn't disappear dissidents or shoot the mob anymore, you may have been taught a magical tale of meliorism in high school. Things just got better over time, of course. The Canadian government loves to cite women's suffrage as an example of civil right obtained by civic engagement such as petitioning local representatives until they heeded the will of the people out of the goodness of their hearts.¹

An objective look at History demonstrates otherwise, as it is replete with examples of peoples who fought, bled, and died so the system would treat them with a modicum of dignity. You may already know of many yourself, even though those stories tend to be either embellished or suppressed.

¹"Canada History: 28 Jan, 1916: Manitoba is the first to grant the vote to women." (Radio Canada International, 2020/01/28)

Likewise, you may have learned in civic class how the legislative and judicial branches of government operate on paper. Yet even mainstream news sources paint a more cynical picture, of a system bogged down by rampant corruption, crass incompetence, toxic ideology, and rabid partisanship. Stories abound of justice being rendered not because state actors suddenly decided to do the right thing, but under pressure from organized movements threatening indefinite escalation.

Just like the history of human rights is the history of wars and revolutions, so is the history of civil rights the history of demonstrations, occupations, barricades, national strikes, and civil unrest. It is the history of advocates who made precedents by breaking the law until the law caught up. It is the history of criminals who challenged the system until vindicated. It is the history of patriots who defied their government until they took over it. And it is the history of whistleblowers who courageously denounced illegal acts committed by their government until it was brought to compliance.

History shows that progressive laws are dictated by the people before they are enacted by the legislative branch of government, that they are enforced by the people against the executive branch of government, and that offences are prosecuted by the people on behalf of the judicial branch of government. There is nothing wrong with that; this is what power by the people, for the people, truly means. A state whose people forgets those fundamentals systematically descends into tyranny.

In the age of Trump and Putin, these findings have never been more relevant, and the need to fight back has never been more pressing. Generations past observe us from beyond the grave, urging us to defend the rights they fought for so we would enjoy

them today. Will you be up to the task, or instead be found wanting?

What this book is not about

Given its catchy title, I expect many readers to pick it up for all the wrong reasons.

If nothing else, this work doesn't teach how to commit the perfect crime for profit. Quite the contrary, most lead actors in this book selflessly perpetrated their acts of civil disobedience in broad daylight, giving their names, and showing their faces, all to further noble causes. If you're after ideas for your next heist, look elsewhere. Or better still, please consider a more honourable career path.

Also, this is the furthest thing from a so-called sovereign citizen guide. If you've been approached by a cult promising you immunity from prosecution by mastering a cabalistic grammar supposed to mesmerize the courts into believing you fall outside their jurisdiction, run lest you get infected by its lunacy. I recommend reading *Meads v. Meads*² for a thorough analysis of the phenomenon and ample evidence every single attempt at pleading those arguments in court fails miserably.

Even falling short of the above, some fools might riffle these pages seeking tips to weasel out of their legal obligations because they don't feel like complying with the law. Although it shouldn't have to be said given the title, allow me to point out this work isn't to be construed as legal advice, quite the contrary. Any competent lawyer will warn against embracing the strategies that follow, even when representing activists actually engaging in civil disobedience; see *Civil Disobedience and the Law* for an extensive

²*Meads v. Meads*, 2012 ABQB 571 (CanLII)

discussion of the topic by an American federal judge credited with ending segregation.³ Proceed at your own risk, and don't come crying if the courts disagree with your defence.

Given these warnings, you might wonder why anyone in their right mind would peruse this work. If you don't already have the answer by now, this book may not be for you. If you're still not convinced by the end of Chapter 1, you might as well put it down. Sweet dreams.

Who am I?

I used to be nobody. Then I faked it till I made it.

When I made the jump into activism in 2022, I was unhoused due to an invisible disability. Believe it or not, homelessness was the least of my problems; in my case like in most, that was merely the culmination of a lifelong failure to navigate the system. Whenever I reached out, for help or redress, I was systematically ignored, dismissed, gaslit, or retaliated against. The rest of the time, I was outright ostracized and bullied. And in retrospect, the people who presumed to help me throughout my life proved to be the most toxic of all.

I could merely argue that it was unfair. Since childhood I'd been a boy scout, either literally or figuratively. I didn't know how to earn people's respect, so I ended up being looked down upon and exploited. Instead I admit being guilty of all the good I ever did by being pathologically nice.

When I finally blew a fuse, I'd been rotting at a meth cloud-, bed bug-infested transitional shelter for four years. I was among the first admitted when it opened, yet among the last two of that

³Frank M. Johnson, Jr., *Civil Disobedience and the Law*, 22 Vanderbilt Law Review 1089 (1969)

wave to leave. I found it incomprehensible that I, a model resident who got along with everyone and volunteered on the front lines to boot, was left behind when my turn came to get housing and services. I was powerlessly watching myself getting passed by disruptive residents who in contrast weren't ready for housing, yet moved upward without the support they needed because the establishment wanted to get rid of them, with predictable results.

Likewise, I grew frustrated at the sight of the system's incompetence and bigotry. Every day I witnessed people getting hurt, sometimes spectacularly, by conceited staff, advocates, and public officials presuming to know better than their clients, their advice sometimes as preposterous as taking hard drugs "just once" to get a positive blood or urine test in order to get disability benefits with a spurious diagnosis of substance use disorder. I regularly denounced people in charge for breaking the rules and even the law, leading to severe and graphic injuries, even death, without finding a channel receptive to my grievances and that of the people I advocated for. The staff didn't care. The parent nonprofit didn't care. The government didn't care. The media didn't care. Guess how the cops and security detail felt about it. There was no accountability.

In the end, I had to admit I didn't know how to advocate for myself or others. Yet I wasn't powerless, merely meek. At some point it dawned on me that if I wanted things to change I would have to earn society's respect the hard way. I would have to rock the boat. I would have to stop being so damn nice to everyone—especially authority.

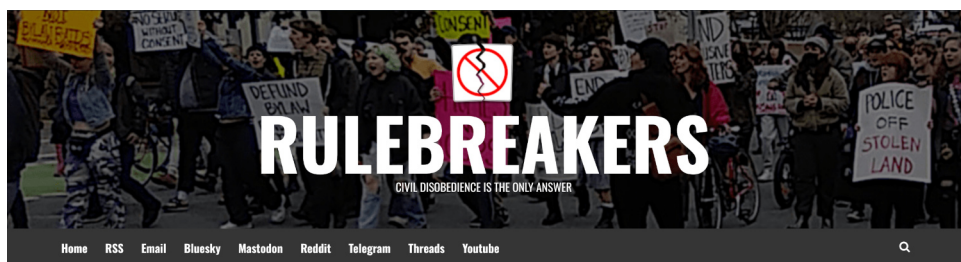
Thus began my rebellious phase. In the coming months I started speaking my mind and raising my voice. I rage quit volunteering and made a point of doing so. I broke rules like

everyone else and dared those in charge to hold me accountable. I even got into scuffles with law enforcement, and retaliated with legal complaints. For once in my life I felt good about myself.

Even then, I knew I still had to learn how to do it right. I wanted to effect social change, yet I was still unhoused, shit broke, chronically in pain, tired, and sick. I had no relevant experience, training, or education. I had no charisma to speak of and no social network to reach out to, if only due to being extremely introverted. My only assets were a budget laptop computer and the second cheapest tablet on the market—and my brain. My goals were lofty indeed, yet I had reached rock bottom so I had nothing to lose by giving these a shot.

Thus I became an activist blogger (ahem, “citizen journalist”), following only one rule: *I am not allowed to chicken out*. In the following three years, I documented hundreds of protests on the Rulebreakers blog. I participated in civil disobedience actions, from mass jaywalking and blockades to spending nights in protest encampments. I helped organize disruptive demonstrations, and whispered wicked suggestions in fellow activists’ ears. I engaged in legal observation and breathed on cops’ necks. I became a legal advocate in a private capacity, and sat down as an equal with lawyers. I shook politicians’ hands, and interviewed for the mainstream media. I ended up advocating for causes as eclectic as that of drug users, transgender people, eating disorder patients, old growth forests, and Palestine liberation. Amusingly, only a rare few in my confidence knew the full scale of my activities, even though I cost the taxpayer a small fortune through sheer mischief, and not once did I get arrested nor sued as a result of my activism.

Sadly, I had to take a months-long break, as those years took a heavy toll on my person (see Chapter 12). But I don’t regret any



"Are you protesting social injustice? Whether you're denouncing police brutality or government overreach, clamouring for a safe drug supply or affordable housing, defending homeless encampments or fighting off the colonial invader, advocating for the disabled or racial minorities, pursuing either legal or extralegal means of retaliation, you'll find plenty of interest within these pages by a fellow insurrectionist butting heads with a callous society and a corrupt system. Come misbehave with the rest of us!"

of it one bit. People may never believe just how much influence I wielded as a hobbyist living off welfare in a supportive housing complex (I finally earned housing with obnoxious behaviour!), but the most incredulous of all will always be me; even now, I can still hardly believe that when I look at my own reflection in a mirror, I am no longer looking at a docile piece of livestock.

If I could pull it off, so can you. So buckle up, because I'm about to show you how to do it right, and it will be a wild ride. At the same time, it's a nice refresher for me as well as I plot a comeback after reflecting at length on what I did wrong so you don't have to.

Chapter 1

Pioneers of civil disobedience

Would you tell me please, Mr. Howard, why should I trade one tyrant three thousand miles away for three thousand tyrants one mile away? An elected legislature can trample a man's rights as easily as a king can.

The Patriot (2000)

Civil rights are a rather modern concept.

One could arguably date their inception all the way back to Antiquity. Elementary rights and the principle of natural justice may be traced to the *Code of Hammurabi*, however cruel it may seem by contemporary standards. Likewise, the right to vote was enshrined in Ancient Greece, albeit in a very narrow fashion. In the Middle Ages, England's *Magna Carta* codified basic civil rights and for the first time in History curbed the powers of a monarch, thus setting the foundations for modern constitutional law.

Yet the rights and freedoms peoples of modern democracies enjoy nowadays are about as recent as the radio and television. Just like these inventions, civil rights surged in earnest roughly a century ago and have evolved across generations. Just like telecommunications have come in iterations, each making previous ones obsolete, so have civil rights enactments been amended or replaced over decades. Just like Generation Z folks can hardly imagine living without Netflix and YouTube on flat-screen monitors, so is it difficult for them to imagine living without freedom of expression

and movement, the right to vote, the right to challenge one's detention, or the right to petition the government for redress. And just like telecommunication networks quickly became a battleground for control of political discourse, so is civil rights legislation under perpetual assault by regressive forces.

Seriously, take a moment to appreciate these prerogatives people in relatively free countries naïvely take for granted. Then project yourself a century ahead, and imagine just how prejudiced our generation may look like to future ones as they in turn reflect upon our mistakes and failures. Because this chapter will take you back to when those rights were earned, by visionaries who could only imagine them.

These battles are indeed perpetual, and no country on Earth is truly innocent. Even Canada, lauded as a paragon of human rights, has throughout its history been a colonial genocidal state no better than any that has in contrast been demonized by historians. This country has been built on the forced assimilation of First Nations, their children abducted to residential schools to be indoctrinated in the colonial mindset and their cultural heritage to be wiped out, leaving in their wake evidence of countless horrors from sexual violence to mass graves.¹ The last of these boarding schools closed in the 1990s; that was merely three decades ago.

Civil rights legislation we take for granted is often just as recent. The sacrosanct *Canadian Charter of Rights and Freedoms* was only enacted in 1982, and its previous iteration the *Canadian Bill of Rights* in 1960. Before these, Canadians didn't even have the right to life, safety, and security of the person.

For example, section 179 of the *Criminal Code*, outlawing

¹“‘Cultural genocide’: the shameful history of Canada’s residential schools - mapped” (The Guardian, 2021/09/06)

vagrancy, was only found unconstitutional in 1994 by the Supreme Court of Canada (ironically not in an actual vagrancy case),² and the provision remained dormant in the *Code* until 2019. Even nowadays, indigence remains largely illegal, although no longer outright criminalized, and the right of the homeless to shelter from the elements is under constant assault by municipalities throughout the country, some hell bent on rolling back legal precedents affirming it.

Likewise, therapeutic abortion used to be a criminal offence in Canada until 1969, and even that revision was ruled unconstitutional in 1988 by the Supreme Court of Canada.³ Before these developments, pregnant women often faced impossible choices in which they and medical practitioners alike were reduced to life-threatening acts of civil disobedience while facing imprisonment. To this day, abortion remains the topic of political debate, and in the United States is outright threatened following the Supreme Court's 2022 *Dobbs* decision, overturning landmark precedents.⁴

And it hasn't been very long since gay sex was decriminalized. It took Everett Klippert's failure to appeal his dangerous sexual offender status before the Supreme Court of Canada in 1967,⁵ over a conviction for consensual sex among men, for public outrage to compel *Criminal Code* revisions decriminalizing homosexuality in 1969,⁶ while the offence of gross indecency proper lingered until 1987.

²*R. v. Heywood*, 1994 CanLII 34 (SCC), [1994] 3 SCR 761

³*R. v. Morgentaler*, 1993 CanLII 74 (SCC), [1993] 3 SCR 463

⁴*Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022); see also *Roe v. Wade*, 410 U.S. 113 (1973), *Planned Parenthood v. Casey*, 505 U.S. 833 (1992)

⁵*Klippert v. The Queen*, 1967 CanLII 73 (SCC), [1967] SCR 822

⁶"Everett Klippert's story: The long, late redemption of a man punished for being gay in the 1960s" (The Globe and Mail, 2016/02/27)

Even these minimal rights remain far from universal. Venture abroad, beyond tourist enclosures, and you will find regions in which basic human rights are mere whispers, if not urban legends. From medieval theocracies to Orwellian enclaves, many states treat their citizens like chattel and ruthlessly stifle the merest waft of dissent—often with the complicity of those same First World countries, including paragon-of-human-rights Canada.

The civil rights revolutions

This book argues, from its very title, that civil rights were earned with civil disobedience. While it may make some people frown, the statement is hardly controversial. Many iconic characters, once labelled terrorists for their radical platforms, are nowadays celebrated by governments worldwide, some even having earned the Nobel Peace Prize. Speaking of which, allow me to enumerate a few recent laureates:

- 2023: Narges Mohammadi, for her fight against the oppression of women in Iran and her fight to promote human rights and freedom for all. She was arrested 13 times and sentenced to 31 years in prison and 154 lashes.
- 2022: Alex Bialiatski, for documenting the human rights abuses of Belarus' Lukashenko regime. He has been incarcerated since June 2021 and since sentenced to ten years in prison for financing actions violating public order.
- 2021: Maria Ressa, for exposing the abuse of power, use of violence and increasing authoritarianism of Phillipines' Duterte regime, particularly its murderous anti-drug campaign.

These are indeed a sample of a sample, all but a rare few among those deserving awards ever to be recognized. More illustrious examples, which you've certainly heard of and probably studied in high school, include Nelson Mandela, Desmond Tutu, Mahatma Gandhi, Rosa Parks, and Martin Luther King. Throughout this book I commend their example with apprehension, sometimes even advising against their chosen course of action. This isn't necessarily to be interpreted as an act of censure, however. It is easy for those living comfortably in peaceful countries, enjoying rights and freedoms earned by others, to criticize the actions of pioneers who lived through turbulent periods and learned lessons the hard way, without the benefit of hindsight.

My point, however, is that most of these figures arguably did not get away with their actions. Remember this book's title: "How to break the law **and get away with it**" [emphasis added]. Belated vindication isn't good enough; our goal is to outsmart the system, and that means improving upon our predecessors' formulas to take advantage of the rights and freedoms we've been granted, even as they come under attack.

Drug policy

Protest is like begging the powers that be to dig a well. Direct action is digging the well and daring them to stop you.⁷

Ann Livingston

Before proceeding any further, I would like to make a parallel between law and language. Both are codified and applied strin-

⁷"Peer-research, overdose prevention, safe supply and more at INHSU conference" (Ben Scher, for the Society for the Study of Addiction, 2022/11/21)

gently, yet neither is the ultimate authority they are often portrayed as. While linguists may normalize languages, they do not by themselves build them, they merely keep up with their contentious evolution. New words are added to dictionaries every year due to popular use by younger generations, even as they make older generations cringe.⁸

The same goes for law, which is usually made on the ground by activists until the text of the law is revised to reflect established practice—quite literally by this Los Angeles activist who got arrested and charged with vandalism in December 2025 for painting crosswalks at dangerous intersections.⁹ The only notable difference between them is that there is no actual 'grammar police' whereas governments take themselves a bit too seriously in enforcing their prerogative.

One perfect example is drug policy, which has been pioneered by outreach workers and rogue medical practitioners long before governments begrudgingly scaled back their strictures to allow for what most people are guilty of or even owe their lives to. Of course alcohol prohibition in the United States comes to mind, although for the purpose of this work I would rather focus on Vancouver's Downtown Eastside (DTES) hard drug crisis.

The government of British Columbia declared a public health emergency pertaining to the opioid overdose crisis in April 2016, in response to the explosion of deaths resulting from unregulated street drug use.¹⁰ The month before, Health Canada had reclassified the lifesaving medication naloxone to make it available without

⁸"The '6-7' meme can be annoying. But kids are shouting it for good reason" (CNN, 2025/10/31)

⁹"Vigilante volunteer who paints crosswalks at dangerous LA intersections arrested for vandalism" (CBS News, 2025/12/08)

¹⁰"Increase in overdose deaths prompts B.C. to declare public health emergency" (Canadian Broadcasting Corporation, 2016/04/14)

a prescription. Nowadays the black kit is ubiquitous, even mandatory in many workplaces in Ontario under the *Occupational Health and Safety Act (OHSA)*,¹¹ and is credited with saving countless lives from overdoses of the powerful opioid fentanyl. Public acceptance only grows with news coverage and public inquiries into overdose deaths, such as that of a student at the University of Victoria in January 2024.¹²

Prior to this, however, the use of naloxone outside of clinical settings was illegal, and while this recent development may look natural, it actually resulted from decades of DTES activists forging a relationship with multiple levels of government, by either working with them or fighting them, in order to get things done. Ann Livingston, a veteran activist who's been at the forefront of the drug policy debate since the 1990s, once commented: "My whole premise for health care is that you have to break the law or you don't get anything."¹³ She gave a lecture in June 2023 titled *How Drug User Mobilization Changes Drug Policy: Compassion, Organizing & Empowering People Who Use Drugs, Civil Disobedience & Research*¹⁴ which expands on the idea that Canada's drug policy was forged by criminals set on saving lives.

Let's rewind all the way to needle exchange programs. While politically correct sources set Canada's first sanctioned program in Vancouver in 1989, it actually started the year prior as an unsanctioned initiative run by John Turvey, a recovering heroin addict on

¹¹"Mandatory naloxone kits in some workplaces is good policy, according to Workplace Safety North" (Canadian Broadcasting Corporation, 2023/05/31)

¹²"Series of mistakes led to first-year UVic student's death from fentanyl-laced cocaine: report" (Times Colonist, 2025/04/04)

¹³"DULF Organizers Arrested for Operating Safe Drug Compassion Club" (The Tyee, 2023/10/26)

¹⁴Recording currently available on Youtube at the following URL: <https://www.youtube.com/watch?v=g8XN-bmLpH0>

a mission to curb the transmission of HIV among people who use drugs; only then did every level of government decide to sanction and fund the endeavour.¹⁵ Livingston, in her lecture, reasoned it was easier to gain government approval for an initiative that was already underway than to merely submit an unimplemented idea. Turvey would later be admitted to both the Order of Canada and the Order of British Columbia for his advocacy.¹⁶

The community started organizing in earnest in 1998 with the founding of the Vancouver Area Network of Drug Users (VANDU), which has since sparked multiple grassroots programs, academic studies, and court challenges.¹⁷ For instance, it was pivotal in the creation of Insite, North America's first sanctioned supervised injection site in 2003,¹⁸ and in the legal saga that ensued when Health Canada rescinded its exemption under the *Controlled Drugs and Substances Act* in 2011, a decision which the PHS Community Services Society escalated all the way to the Supreme Court of Canada.¹⁹ VANDU was in contrast unsuccessful in its human rights challenge of a neighbourhood security program run by the Downtown Vancouver Business Improvement Association (DVBIA), the gist being that it unduly targeted people with disabilities (including of course substance use disorder patients) and

¹⁵"Vancouver Issuing Needles to Drug Addicts" (The New York Times, 1990/04/17)

¹⁶"Downtown Eastside crusader dies" (Canadian Broadcasting Corporation, 2006/10/12)

¹⁷Kerr, Thomas & Small, Will & Peeace, Wallace & Douglas, David & Pierre, Adam & Wood, Evan. (2006). *Harm reduction by a "user-run" organization: A case study of the Vancouver Area Network of Drug Users (VANDU)*. International Journal of Drug Policy - INT J DRUG POLICY. 17. 61-69. 10.1016/j.drugpo.2006.01.003.

¹⁸"Inside the battle to open Insite 20 years ago, and why it never ended" (Vancouver Sun, 2023/09/15)

¹⁹*Canada (Attorney General) v. PHS Community Services Society*, 2011 SCC 44 (CanLII), [2011] 3 SCR 134

those of indigenous descent, both groups disproportionately represented among the homeless population of the DTES.²⁰

British Columbia's public health emergency being nearly ten years old with no end in sight,²¹ the struggle to save the lives of DTES drug users continues, fought on multiple fronts. One is that of the defunct Drug User Liberation Front (DULF),²² a compassion club whose founders Jeremy Kalicum and Eris Nyx were recently convicted of drug trafficking after distributing tested drugs from the black market in order to avoid contaminated supplies, the primary cause of overdoses. The convictions are on hold pending the outcome of a court challenge of Health Canada's decision to refuse DULF an exemption to the *Controlled Drugs and Substances Act*.²³

Another front is that of psychedelics, led by the Strathcona Tea Society's Medicinal Mushroom Dispensary advertising products containing psychoactive substances such as psilocybin at its brick-and-mortar store. In a hilarious twist of events, the City of Vancouver recently failed to close the store, the Provincial Court ruling in July 2024 that the municipal inspector did not collect evidence the store was actually selling products containing psilocybin.²⁴ Even a police raid and blanket seizure in November 2023 did

²⁰*Vancouver Area Network of Drug Users v. Downtown Vancouver Business Improvement Association*, 2018 BCCA 132 (CanLII)

²¹"B.C. sees record number of 911 calls about toxic drug overdoses, health authority says" (Canadian Broadcasting Corporation, 2025/11/27); "International Overdose Awareness Day commemorated in B.C." (Canadian Broadcasting Corporation, 2025/08/31)

²²"The War Over Safe Drug Supply in Vancouver" (MacLean's Magazine, 2024/07/15)

²³"B.C. drug 'compassion club' reduced overdose risk, lawyer argues in constitutional challenge" (Canadian Broadcasting Corporation, 2025/11/24)

²⁴"Court rules against Vancouver in mushroom dispensary crackdown" (Canadian Broadcasting Corporation, 2024/08/28); see also *R. v. Strathcona Tea Society*, 2024 BCPC 149 (CanLII)



Supporters of the Drug User Liberation Front (DULF) rallied at the Provincial Court of British Columbia in downtown Vancouver on co-founders Eris Nyx and Jeremy Kalicum's first court appearance in January 2024, demanding their criminal charges for drug trafficking be dropped.

not put the store out of business;²⁵ the society in fact presumes to recover the money the government claims for civil forfeiture as the proceeds of crime.²⁶

Some battles instead end tragically. For instance, Jerry Martin died of an overdose in June 2023, just weeks after his own attempt at a store selling a safe drug supply (this one mobile, instead of a brick-and-mortar storefront, or a clandestine venue) was immediately shut down with a police raid and arrest for drug trafficking. He looked forward to challenge his arrest in court,²⁷ but alas the dead have no standing to file constitutional objections,

²⁵ "Vancouver magic mushroom stores reopening after police raids" (Canadian Broadcasting Corporation, 2023/11/02)

²⁶ "Battle brews over B.C. civil forfeiture after Vancouver drug activist targeted" (Vancouver Sun, 2025/01/21)

²⁷ "This Vancouver man opened a store selling tested cocaine and heroin. Then he died of an overdose" (Canadian Broadcasting Corporation, 2023/07/03)

even though paradoxically there can be no stronger argument supporting a claim of violating one's right to life, safety, and security of the person guaranteed by the *Charter*.

The war on drugs isn't fought only in Vancouver. In June 2015, the Supreme Court of Canada ruled in favour of the Victoria Cannabis Buyers' Club, in a decision which asserted the legality of edible medical cannabis products²⁸ and paved the way to the legalization of cannabis in October 2018.²⁹ The compassion club's legal troubles are far from over, however, as it is appealing a \$3.2-million fine issued by the Community Safety Unit for selling cannabis without a license.³⁰

More recently, a group of rogue health care professionals called Doctors for Safer Drug Policy has repeatedly operated unsanctioned overdose prevention sites near hospitals across Vancouver Island (quick geography lesson: the city of Vancouver is on the mainland, across the Strait of Georgia from Vancouver Island), starting in November 2024.³¹ One of them resigned from Island Health in February 2025 after being placed on administrative leave over her public advocacy work.³²

²⁸"Medical marijuana ruling means 'patients are no longer criminals,' says lawyer" (Canadian Broadcasting Corporation, 2015/06/11); see also *R. v. Smith*, 2015 SCC 34 (CanLII), [2015] 2 SCR 602

²⁹"Longtime cannabis advocates celebrate legalization day" (Canadian Broadcasting Corporation, 2018/10/17)

³⁰"Victoria Cannabis Buyers Club plans to challenge \$3.2M fine for selling illegal pot" (Times Colonist, 2024/08/09)

³¹"Doctors open two unsanctioned overdose prevention sites at Vancouver Island hospitals" (The Globe and Mail, 2024/11/18); "Vancouver Island doctors take pop-up overdose prevention site to Comox Valley hospital" (Global News, 2025/01/20); "Doctors renew calls for overdose prevention with 'pop-up' sites at Vancouver Island hospitals" (Canadian Broadcasting Corporation, 2025/09/28)

³²"B.C. addictions doctor resigns, placed on leave over unsanctioned overdose sites" (The Canadian Press, 2025/02/06)

The Section 504 sit-in

A more disruptive example of this dynamic is illustrated in the short documentary *The Power of 504*, which is readily available online,³³ and in my opinion should be part of mandatory civic education in school because it shows the last available civil remedy when petitioning one's local representative fails.

Section 504 of the *Rehabilitation Act* of 1973 in the United States was a landmark victory for the rights of people with disabilities, which was meant to prevent discrimination against the disabled, at least by institutions receiving federal funding, and would become the precursor to the modern *American with Disabilities Act (ADA)*. The text of Section 504 began as follows:

No otherwise qualified individual with a disability in the United States, as defined in section 705 (20) of this title, shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.

It was a modest step forward, which should nevertheless have rejoiced disabled people across the country. Instead, it proved to be a hollow victory, since by 1977 Section 504 had yet to be implemented, due to what could only be construed as obstructionism; the ultimate slap in the face was when Secretary of Health, Education, and Welfare (HEW) Joseph Califano set up a task force to

³³Full documentary currently available on YouTube at the following URL: <https://www.youtube.com/watch?v=SyWcCuVta7M>

“study” the implementation of Section 504, which did not feature anyone with a disability. It’s like a committee on women’s rights without women, or on Indigenous rights without Indigenous people.

So disabled people decided to organize mass protests across the country. Of particular significance was the sit-in that took place in a federal building in San Francisco starting April 5 until Califano stopped procrastinating and signed the regulations on April 27.

Try to picture in your mind cramming about 150 disabled protesters with limited mobility occupying a building not meant to be accessible by them to begin with, and having them stay 22 days with scarce access to sanitation and arguably even supplies, besieged by law enforcement pondering its next move with utmost circumspection while itself beset by supporters and journalists. And yet the protesters were dead set on staying until Section 504 was signed and implemented. Of course that worked both ways: HEW Secretary Joseph Califano was himself besieged during the whole time, and his stalling tactics quickly wore off.

A news announcer immortalized the standoff as follows: “They’re tired. They’re grubby. They’re uncomfortable. But their spirits are soaring.”³⁴

The brilliant aspect of this strategy was precisely that the protesters had mobility impairments, which made the prospect of removing them by force particularly complicated and perilous—the building’s inaccessibility worked both ways, after all—while buying them considerable sympathy capital. Another aspect that was crucial to the sit-in’s success was public support, including logistics implemented by political and charitable organizations,

³⁴“504 Sit-In: Winning Rights for the Disabled” (National Public Radio, 2002/04/28)

and of course the considerable media coverage which would put unbearable pressure on the federal government.

Everybody a felon

Can you guess who else is a civil disobedience pioneer? You are, my dear readers, who live in barbaric times by the next century's standard, experiencing struggles that shall only be settled generations down the road. Expect those generations to be embroiled in battles for rights that are difficult to fathom by contemporary norms, just like we shriek in horror whenever some backwater country such as Uganda brings back the death penalty for sodomy from the dustbin of History.³⁵

There is plenty to choose from in the morass of overreaching laws that make every single one of us a criminal, to the point that civil rights lawyer and Harvard University professor Harvey Silverglate famously wrote at length about how the average American obviously commits three felonies a day.³⁶ In my estimation, this figure may actually be an understatement, especially nowadays under the exponential explosion of regulations surrounding technology and evolving social norms (more about that in Chapter 7). Ask the Florida man who in late 2025 wrongfully spent a night in jail and faced a misdemeanor charge because his rental car's license plate frame partially obscured the first letter of "Sunshine State" how he feels about this.³⁷

³⁵"Ugandan court upholds anti-gay law that allows the death penalty in some cases" (Associated Press, 2024/04/03)

³⁶*Three Felonies a Day: How the Feds Target the Innocent* by Henry A. Silverglate, Encounter Books, 2009, ISBN 9781594032554

³⁷"Man wrongfully arrested over license plate frame amid confusion over new Florida law" (NBC News, 2025/12/17)

Not convinced? I'm about to demonstrate how every one of you, my dear readers, is a felon and a sex offender, even by contemporary democratic standards, by opening as an example the unseemly Pandora's box of child pornography legislation. To be sure, citizens of conscience are nearly unanimous about child pornography being an obscene scourge, and rightfully so. The point of contention here is the pertaining legislation, and its occasional rabid enforcement, which has landed lots of unwary folks in legal trouble. This led the Supreme Court of the United States to strike down the *Child Pornography Prevention Act* of 1996 as unconstitutionally broad, citing the potential to criminalize award-winning motion pictures like *Romeo + Juliet* (1996), *American Beauty* (1999), and *Traffic* (2000).³⁸

For example, take a look this story of an Arizona couple which in 2008 took pictures of their three babies playing during bath time, and had those developed at Walmart. This shockingly led to the police opening an investigation for sex abuse and the government assuming custody of the children. While no charges were ultimately filed for failure to prove criminal intent, the parents sued Child Protection Services for constitutional violations, in a Kafkaesque legal saga which lasted ten years.³⁹ You've read this right: these innocent folks had to fight for every parent's sacrosanct right to take pictures of their naked babies in the bathtub. My own parents would be branded sex offenders under that legal theory, and so would yours I bet, or yourselves.

Still not convinced? Let's discuss teen sexting then, an emerg-

³⁸"Excerpts From Opinions in Ruling on the Child Pornography Prevention Act" (The New York Times, 2002/04/17); see also *Ashcroft v. Free Speech Coalition*, 535 U.S. 234 (2002)

³⁹"How an Arizona couple's innocent bath time photos of their kids set off a 10-year legal saga" (The Washington Post, 2018/01/24); see also *Demaree v. Pederson*, No. 14-16207 (9th Cir. 2018)

ing phenomenon which certainly wasn't envisioned by lawmakers who defined child pornography offences in olden days, or even sextortion ones more recently. And yet examples abound of teenagers being threatened and even prosecuted as sex offenders for sharing nude pictures of themselves—paradoxically making each of them both the victim and the perpetrator⁴⁰—such as this story from Knoxville in Iowa, in which as many as 25 high school students were investigated by the police for privately trading nude selfies and consequently faced misdemeanor charges.⁴¹ On that basis, about half of teenagers nowadays would be branded sex offenders.⁴² Believe it or not, this sexting teens legal shitstorm has been raging for many years and shows no sign of abating.

And if you think innocent perpetrators can just get away with it by keeping their private pictures, well, private, think again. Nowadays the risk of warrantless electronic device search and seizure by border authorities has made such levity particularly perilous.⁴³ Imagine law enforcement confiscating your phone and sifting through your intimate pictures or questionable pornographic material looking for incriminating evidence, because this may indeed land you in jail next time you go through customs.

This by the way illustrates how the impact of seemingly innocuous civil rights intrusion by the state amounts to more than the sum of its parts. American women were reduced to this realization in the aftermath of the Supreme Court's aforementioned

⁴⁰“Why prosecuting a teen girl for sexting is absurd” (Rolling Stone Magazine, October 7 2016)

⁴¹“Knoxville police investigate nude photo circulation among high schoolers” (We Are Iowa, 2016/04/07)

⁴²Parti K, Sanders CE, Englander EK. *Sexting at an Early Age: Patterns and Poor Health-Related Consequences of Pressured Sexting in Middle and High School*. J Sch Health. 2023;93(1):73-81. doi:10.1111/josh.13258

⁴³“Border Patrol Checking US Visitors' Phones, Social Media: Is It Legal?” (Newsweek, 2025/03/20)

2022 *Dobbs* decision which overturned precedents guaranteeing the right to abortion, when advocates reflected on the potential for online period tracking apps to provide evidence supporting abortion charges should the data be shared with state governments.⁴⁴ To spell out the liability, this may even lead to criminal charges for miscarriage in certain states, either on suspicion that an illicit abortion took place or simply for improper disposal of human remains.⁴⁵

Lavrentiy Beria, head of Joseph Stalin's secret police, is commonly quoted stating: "Show me the man, and I'll show you the crime."⁴⁶ This reduces everyone of us to a closet civil disobedience activist. The law just needs to catch up in acknowledgement that everyone is born a felon—even as it struggles not to regress back to the dark ages nor to devolve into a digital dystopia.

⁴⁴"How period tracking apps and data privacy fit into a post-Roe v. Wade climate" (National Public Radio, 2022/06/24)

⁴⁵"The increasing risk of criminal charges for women who experience a miscarriage" (Public Broadcasting Corporation, 2024/01/09); "A West Virginia prosecutor is warning women that a miscarriage could lead to criminal charges" (CNN, 2025/06/05)

⁴⁶"Show me the man and I'll show you the crime" (The Oxford Eagle, 2018/05/09)

Chapter 2

Vox populi, vox Dei

There being no natural or divine law for any form of government, or that one person rather than another should have the sovereign administration of affairs, or have power over many thousand different families, who are by nature all equal, being of the same rank, promiscuously born to the same advantages of nature, and to the use of the same common faculties; therefore mankind is at liberty to choose what form of government they like best.

The judgment of whole kingdoms and nations, concerning the rights, power and prerogative of kings, and the rights, privileges and properties of the people (1710)

I'm sure you know the court of public opinion. It's like the black market, where we Canadians go to buy and sell dangerous articles like raw milk (which under federal law carries hefty fines and the threat of jail time).¹ Both exist and actually run the place, yet of course the government is loathe to acknowledge them. In the end, the mob determines what is fair and just, the edicts of the ruling class be damned.

The Roman Empire's unparalleled longevity may be attributed to this insight, rather than to rule by cruelty and feats of arms. Both acknowledging the power of the mob yet fearing its excesses,

¹"Underground dairy? A look inside the demand for illegal raw milk in Alberta" (Canadian Broadcasting Corporation, 2024/06/25); see also *Food and Drugs Regulations*, s. B.08.002.2 (1); *Food and Drugs Act*, s. 31.1

it created a system of checks and balances channelling public discontent, which inspired the constitutions of modern democracies and keeps fuelling political debate to this day.² There is actually a word for this underlying force: *ochlocracy*, or mob rule, which I mean to strip of its derogatory connotation; let's think of it as power by the people, for the people instead—for better or worse—as the ultimate safeguard against the system's own excesses and failings.

For this purpose, this chapter sets the foundations for successful direct action, every aspect of which meant to sway public opinion, either by persuading the crowd or by shaming it out of fighting. From this point forth, think not of disruptive protests as individual performances, but as instruments in larger campaigns building momentum to promote avant-garde ideas.

Of crucial importance is having a supporting legal strategy to vindicate one's actions. Some activists think of civil disobedience merely as breaking the law, but as I've demonstrated in the previous chapter with examples such as the Section 504 sit-in, the point is often to uphold the law instead. It would not have been proper for disability advocates to occupy a government office right away; their campaign's success rested on asserting the *Rehabilitation Act* and escalating from there until they had exhausted all legal and political recourse.

If you wish to succeed in your own endeavours, then embrace this particular dimension of activism and learn the law until you know it better than the Pope knows the *Holy Bible*, then start preaching it to the crowd like it's the newest gospel. Reach out to civil rights advocates, and shake hands with lawyers. Plead your

²"America Is in Danger of Being Ruled by the Mob" (Newsweek, 2015/10/04; originally published by the Hoover Institution, 2015/09/30); "We, The Ochlocracy: How Democracies Devolve Into Mob Rule" (WorldCrunch, 2025/06/29)

case with lawmakers, and use the judiciary as a tribune to air your grievances to the public. Only then think about rocking the boat in earnest.

Truly, if you sway public opinion, then every other concern shall become purely academic. The letter of the law won't matter anymore, nor the rulings of the judiciary. Follows a famous court case illustrating this principle.

The McLibel case

The United Kingdom has notoriously harsh defamation law. Unlike in most developed countries, the burden of proof falls on the defendant, and the plaintiff doesn't even have to demonstrate that the claim is false. Prior to the *Defamation Act* of 2013, the regime was even worse, to the point of having a chilling effect on public speech; at least nowadays the plaintiff has to prove serious harm was caused, and may also have to show malice on the defendant's part. Under previous legislation, the defendant was guilty until proven innocent, and the financial burden of mounting a defence represented a nearly insurmountable deterrent against criticism of any wealthy individual or corporation, thus compelling anyone on the wrong end of such an action to issue a public apology and retraction.

That is, until the so-called McLibel case showed the perils of trying an abusive defamation case in the court of public opinion. This the iconic fast food chain McDonald's found out the hard way when its infamous attempt at silencing environmental activists backfired in the most dumbfounding fashion, to the point of being the object of a documentary published by Spanner Films in 1997, later extended and broadcast on television by the British Broadcasting

Corporation (BBC) in 2005.³

In 1986, a small group of activists assembled under the independent banner of London Greenpeace (not affiliated with Greenpeace International) produced and distributed a flyer titled *What's Wrong With McDonald's?* denouncing the corporation's business practices. It claimed the food was unhealthy, which nowadays would strike anyone as common sense, especially since the release of the *Super Size Me* (2004) documentary. The flyer also alleged mistreatment of animals, which should come as no surprise given that the fast food chain sold cheap burgers and chicken nuggets. It went on with accusations of workplace abuse and sweeping environment impact—and of course of exploiting children in its unhealthy marketing strategy.

None of these claims would have been considered controversial anywhere but in a British court of law, which at the time offered the perfect tribune for corporations to silence its critics, and McDonald's naturally took advantage of it to go after the activist group in September 1990, accusing its members of libel. While most of the defendants opted to apologize and retract their statements in order to avoid costly litigation, Helen Steel and David Morris refused to be cowed. From a litigation strategy standpoint, that was insanity, since the game was rigged in the plaintiff's favour, which threatened them with nothing short of financial ruin.

But the litigation proper was only one dimension of the upcoming legal battle. Of course McDonald's was quick to argue that the defendants should be denied a jury trial, and indeed the case was heard by a single judge. Nevertheless, the corporation couldn't prevent media coverage of its proceedings, and a David versus

³Full documentary currently available on Spanner Films' YouTube channel at the following URL: <https://www.youtube.com/watch?v=V58kK4r26yk>

Goliath legal case pitting one of the world's largest corporations against two self-represented litigants denied legal aid and a jury trial drew massive sympathy capital, which would help relieve the pair of the burden of mounting a defence.

The trial started in June 1994 and the complaint would only be decided in June 1997, making it the longest civil case in English history.⁴ Throughout this period, the plaintiff ironically offered the defendants the ideal tribune to air their grievances against it.

The judge ultimately ruled against the defendants regarding some of the claims, such that the plaintiff caused destruction of rainforest, dispossessed Latin America farmers, or was responsible for starvation in the Third World. The decision however made some important concessions even in claims it rejected.

For example, while it dismissed the conclusion that McDonald's diet was as unhealthy as the flyer stated, it did find that "the small proportion of McDonald's customers who eat McDonald's food several times a week will take the very real risk of heart disease if they continue to do so throughout their lives, encouraged by the Plaintiffs' advertising." It found likewise that "McDonald's advertising and marketing makes considerable use of susceptible young children to bring in custom, both their own and that of their parents who must accompany them, by pestering their parents" even as it set aside allegations of food poisoning. And while it determined that the animal cruelty claims were exaggerated, it did concede that statements "relating to the restriction of movement of battery hens, broiler chickens and chickens who have their throats cut while still fully conscious are sufficient to justify the general charge that the First and Second Plaintiffs are culpably

⁴"Landmarks in law: McLibel and the longest trial in British legal history" (The Guardian, 2019/07/08)

responsible for cruel practices in the rearing and slaughter of some of the animals which are used to produce their food.” Same for McDonald’s labour practices, of course, such as paying low wages and being hostile to unionization.⁵

This of course isn’t the kind of outcome any corporation with sound management wishes for, even if it prevails on half of its claims, because it amounts to deciding that the company is actually half-guilty of the unconscionable business practices it is being accused of, which is any marketing department’s worst nightmare; seriously, such a pyrrhic victory is even worse than losing given its implied cynicism. This must be why McDonald’s declined to collect the £60,000 award against Steel and Morris, to say nothing of its court costs; while it won decisively in a court of law, it ended up crushed in the court of public opinion, and asserting its prerogative any further would only have worsened its image.

The legal saga would go on for years,⁶ with an appeal that reduced the award to £40,000 (not that McDonald’s would collect a penny anyway). The defendants even took the case to the European Court of Human Rights, which found that they had been denied a fair trial and ordered the UK government to compensate them with more than €82,000 including expenses. The court’s decision also stated that English defamation law violated Article 10 of the *European Convention on Human Rights* guaranteeing freedom of expression;⁷ it compelled the UK government to introduce the *Defamation Act* of 2013, which raised the bar for libel claims. Furthermore, Steel and Morris were awarded £10,000 by Scotland Yard over accusations that the latter had disclosed confidential in-

⁵*McDonald’s Corporation v Steel & Morris* [1997] EWHC 366 (QB)

⁶“McLibel: Longest case in English history” (British Broadcasting Corporation, 2005/02/15)

⁷*Steel and Morris v. The United Kingdom* (Application no. 68416/01)

formation to McDonald's which enabled the legal proceedings in the first place.⁸

In response to evolving demand and public perception, McDonald's has made significant efforts to rebrand itself as a responsible company offering sustainable beef and cage-free eggs alongside healthy menu options such as salads, fruits, whole grains, and yogurt. While it still has a long way to go in order to please advocates,⁹ at least it has abandoned the unhealthy practice of silencing its critics with lawsuits, if only because its original business model was no longer economically sustainable. And the turning point was a lawsuit against two lowly activists who just wouldn't roll over and beg for mercy.

Jury nullification

I wasn't the best because I killed quickly. I was the best because the crowd loved me. Win the crowd, and you'll win your freedom.

Gladiator (2000)

I've mentioned that McDonald's lawyers were apprehensive of a jury trial. Of course it had nothing to do with the case being overly technical. Rather, the company most likely wished to prevent jury nullification.

Ask the courts what this 'jury nullification' thing is, and you will be told that it does not exist—just like the court of public opinion and the black market. Judges frequently warn defence attorneys against even broaching the topic before a jury.¹⁰ In a rare ac-

⁸"McLibel pair get police payout" (British Broadcasting Corporation, 2000/07/05)

⁹"Can McDonald's Ever Be Truly Sustainable?" (Sustainability Magazine, 2025/04/24)

¹⁰*United States v. Moylan*, 417 F.2d 1002, 1003 (4th Cir. 1969)

knowledge, the Supreme Court of Canada has contemplated the question in *R. v. Latimer*, however, and offered the following definition:

The term “jury nullification” refers to that rare situation where a jury knowingly chooses not to apply the law and acquits a defendant regardless of the strength of the evidence against him. Jury nullification is an unusual concept within the criminal law, since it effectively acknowledges that it may occur that the jury elects in the rarest of cases not to apply the law. The explanation seems to be that on some occasions, oppression will result either from a harsh law or from a harsh application of a law.¹¹

Even then, in its analysis it adopts the predictable stance that “as a matter of logic and principle, the law cannot encourage jury nullification.” On the other hand, neither can the judicial system prevent it altogether, since jury deliberations are kept strictly confidential even from the courts, and jury verdicts are delivered without a rationale, which means that as long as jurors keep mum about the scheme, they can hardly be found to have engaged in misconduct.¹² Therefore even calling it a “rare situation” as above is presumptuous; in reality, we have no idea how common the practice is.

That being said, prospective jurors have in the past openly declared that they refused to convict a defendant, usually when the law in unjust or sentencing would be unconscionable. For instance,

¹¹*R. v. Latimer*, 2001 SCC 1 (CanLII), [2001] 1 SCR 3

¹²“When a juror becomes the one who is judged” (The Tampa Bay Times, 1997/06/08); see also *People v. Kriho*, 996 P2d 158 (Colo. Ct. App. 1999), which reversed the conviction documented in the article

in December 2010 several potential jurors in a pool for a trial over charges of cannabis possession for the purpose of trafficking openly objected from the onset to convicting someone over a tiny amount of weed; the prosecution dropped the misdemeanor possession charge in a plea deal with the defence which in return conceded the felony trafficking charge.¹³ In another case, a New Orleans judge had to abort proceedings in October 2019 after the court failed to form a jury in another cannabis trafficking case, again after too many candidates in the pool voiced their opposition to criminalizing cannabis; this time the prosecution agreed to downgrade the felony charge to a misdemeanor.¹⁴

The city of Houston also hit a brick wall in January 2024 in its failed prosecution of a Food Not Bombs volunteer who repeatedly fed the homeless in contravention of a municipal law. Similarly to previous examples, the court failed to find any candidate juror willing to convict the defendant of such an offence,¹⁵ which should have come as no surprise given that 24,000 people had just signed a petition asking that the law be struck down.¹⁶ In a previous incident in June 2023, a jury found another Food Not Bombs volunteer not guilty of the same offence, most likely an instance of jury nullification; the defendant retaliated with a federal lawsuit challenging the constitutionality of the municipal ordinance.¹⁷

Jury nullification is widely believed to have resulted in three

¹³"Montana Jurors Raise Hopes of Marijuana Advocates" (The New York Times, 2010/12/23)

¹⁴"A New Orleans man faced a felony marijuana charge; too many potential jurors wouldn't consider it" (NOLA.com, 2019/10/09)

¹⁵"Food Not Bombs trial rescheduled after too many jurors objected to \$500 fine for feeding homeless" (Houston Chronicle, 2024/01/19)

¹⁶"Over 24,000 signatures asking to end tickets for feeding the homeless submitted to Houston City Council" (Houston Chronicle, 2024/01/10)

¹⁷"Houston volunteer found not guilty for feeding the homeless. Now he's suing the city." (USA Today, 2023/08/03)

acquittals and one mistrial of Dr. Jack Kevorkian, between May 1994 and June 1997 in Michigan, on charges of murder for assisted suicide of patients with medical conditions which were extremely debilitating yet fell short of fatal.¹⁸ For several years authorities had attempted to stop Kevorkian, nicknamed 'Dr. Death', from carrying these out, to no avail; Oakland County prosecutor Richard Thompson commented in 1993 that "he's basically thumbed his nose at law enforcement, in part because he feels he has public support."¹⁹ Kevorkian pushed the envelope too far when, in November 1998, he videotaped himself euthanizing a Lou Gehrig patient and had the footage broadcast by CBS News;²⁰ this brazen performance, widely denounced as poor taste, would ultimately get him convicted of second degree murder.

The topic arises in even more serious cases. Such an eventuality may materialize in the upcoming trial of Luigi Mangione for the murder of UnitedHealth CEO Brian Thompson in Manhattan in December 2024.²¹ Not that there is any doubt that Mangione did perpetrate the offence, or that premeditated murder is generally unconscionable. The catch is that Thompson was universally hated for UnitedHealth's *modus operandi* of denying valid health insurance claims out of rabid greed.²² Moreover, ammunition casings found at the crime scene were engraved with the slogan "Deny, Defend, Depose" inspired by Jay M. Feinman's 2010 book *Delay, Deny, Defend: Why Insurance Companies Don't Pay Claims and*

¹⁸"Dr. Jack Kevorkian Dies at 83; A Doctor Who Helped End Lives" (The New York Times, 2011/06/03)

¹⁹"Rx For Death" (Time Magazine, 1993/05/31)

²⁰"CBS to Show Kevorkian Video of Man's Death" (The New York Times, 1998/11/20)

²¹"Federal murder charge against Mangione could mean death penalty in CEO killing" (National Public Radio, 2024/12/19)

²²"UnitedHealthcare Tried to Deny Coverage to a Chronically Ill Patient. He Fought Back, Exposing the Insurer's Inner Workings." (ProPublica, 2023/02/02)

*What You Can Do About It.*²³

Mangione became a folk hero overnight among people who resented the health insurance industry's ignominious business practices, many of whom outright celebrated Thompson's death,²⁴ leading many observers to wonder whether the court would be able to find enough candidates to assemble an impartial jury, much less secure a conviction despite overwhelming evidence of guilt.²⁵ In a tacit acknowledgement, the federal charge of murder was stunningly dismissed in January 2026 for being incompatible with that of stalking (which nevertheless carries a maximum penalty of life in prison).²⁶

As you can see, the public is the last arbiter of whom gets convicted in court, not judges. And jury nullification is only the last line of defence against unconscionable prosecution, as the remainder of this book shows. That is why pleading one's case before the court of public opinion is paramount for activists, and curiously why violating the law does not dispense from studying the legal system, quite the contrary. Anyone who convinces the public that the law is wrong and must be taken into one's own hands may become nearly untouchable.

Rallying public support

Indeed, I cannot overemphasize the imperative for a sound legal strategy in order to plead a case in the court of public opinion. Just

²³“‘Deny,’ ‘Defend,’ ‘Depose’: What To Know About Words Reportedly On Shell Casings Tied To UnitedHealthcare CEO Shooting” (Forbes, 2024/12/05)

²⁴“3 reasons behind the unsettling glorification of Luigi Mangione” (Canadian Broadcasting Corporation, 2024/12/15)

²⁵“What is jury nullification and what does it mean for Luigi Mangione's defense?” (CNN, 2025/01/10)

²⁶“Luigi Mangione will not face the death penalty, federal judge rules” (CNN, 2026/01/30)

like nothing undermines an activist platform like being labelled criminal or even terrorist, nothing bolsters it like counterclaims that the rival faction is committing fundamentally illegal acts, especially human rights violations.

In the next chapter I discuss the path to legal advocacy. You want to win over the public to your cause? Start by joining forces with civil rights advocates and lawyers. And I don't mean begging those organizations for help; I mean championing their causes and fighting alongside them as allies. You may think it cannot be done because you're not a lawyer and you know nothing about law. Well, you don't need to be a lawyer, just to teach yourself the rudiments of the legal system. Besides, lawyers need advocates on the ground just like advocates need lawyers in court, so think about what you can offer them precisely because you're not a lawyer (more about that in Chapter 3).

Another way is to appeal to intellectual authority by reaching out to academics. As I've discussed in the previous chapter, this proved instrumental in softening governments' hardline drug policies. Bureaucrats are receptive to academic research published in illustrious peer-reviewed journals, and courts accept expert testimony. This is particularly important for environmental activism, because the prospects of prevailing in court without teaming up with researchers is nil. This line of thinking led veteran climate activist James Hansen to call for a wave of lawsuits against large polluters, arguing that litigation and political mobilization are more effective than protests.²⁷ I beg to differ on this last point: litigation and political mobilization act in synergy with protests, neither being ultimately effective without the other.

²⁷ "We should be on the offensive" – James Hansen calls for wave of climate lawsuits" (The Guardian, 2017/11/17)

Then comes political support, which I broach with reservations (see Chapter 8). When fighting the government in particular, you need to reach out to lawmakers one way or another, and not necessarily by dumping manure at their campaign offices. If you want to change the law, think about how to secure the votes for your amendments to pass, starting with of course who shall bring the motion to the legislature floor. While you may be thinking petitions, I'm more into handshakes; I would prefer the support of one elected representative championing my cause in earnest to one million electronic signatures that don't really count in the end.

By the way, do you know who can conquer the hearts of millions? Artists, especially musicians. Observe that each chapter features the title of a song. Several of these have frequently aired at protests, some even been the object of live performances. My favourite example is *Quiet* by MILCK, a previously obscure artist who suddenly walked in the limelight after organizing a flash mob performance at the Women's March to Washington in January 2017, to draw attention to society's tacit acceptance of sexual abuse.²⁸ Another performance, which I attended, was at the February 2025 United for Old Growth Rally here in Victoria, British Columbia, where Canadian music legend Neil Young made a surprise appearance and even played two songs, drawing national media coverage to the event.²⁹

Finally, there's of course the mainstream media, whose reach is unparalleled and influence paramount. This is so important that I'm devoting Chapter 6 to it. The topic comes last on this list because the media are interested in stories rather than causes,

²⁸"A Flash Mob Choir At The Women's March Turned This Unknown Song Into An Anthem" (National Public Radio, 2017/01/23)

²⁹"Neil Young, Daryl Hannah surprise crowd at Victoria old growth rally" (Canadian Broadcasting Corporation, 2023/02/26)



Captured at the Victoria Pride Parade in July 2024, ambushed by queer protesters demanding of the Victoria Pride Society that it make a statement condemning Israel's genocide of the Palestinian in Gaza, and also against the City of Victoria's policy of forced displacement targeting homeless people sleeping in parks.³⁰

therefore an organized campaign is far more likely to get them interested than advocates cold calling them without first building any momentum.

While I'm at it, I recommend reaching out to activists across causes, in order to bolster one's numbers and increasing one's reach even further. Some causes have proven unexpectedly attractive to unrelated organizations, such as Palestine liberation which gained the backing of environmentalists, Indigenous peoples, and even queer activists. A particularly potent pool of support for any cause is the labour movement, larger unions rivalling political parties outright.

Perhaps you don't think even such a concerted campaign can

³⁰ "Victoria Pride parade disrupted by pro-Palestine protesters, route redirected" (CHEK News, 2024/07/07)



Captured in Victoria at the United for Old Growth rally in March 2023. The event had the backing of such disparate groups as the BC General Employees Union, the BC Poverty Reduction Coalition, the First Metropolitan United Church, Greater Victoria Acting Together, and the Workers Solidarity Network. Even Neil Young and David Suzuki showed up.

win concessions from governments. Let's look at it the other way round then, and reflect on what forms political repression takes in a totalitarian government takeover. For example, Putin took the Russian Federation down the dark path of neo-Soviet experimentation,³¹ for whose purpose he undermined the judiciary's independence and outlawed protests;³² passed constitutional amendments including a reform affirming the primacy of domestic statutes over international human rights law;³³ stifled academic research by censoring liberal voices;³⁴ cracked down on advocacy groups by

³¹ "Vladimir Putin, the Neo-Soviet Man" (National Review, 2013/09/19)

³² "Russia's Unjust Justice" (The Moscow Times, 2019/10/11)

³³ "Vladimir Putin just staged a constitutional coup. How will Russians react?" (The Washington Post, 2020/01/17)

³⁴ "To please Putin, universities purge liberals and embrace patriots" (The Washington Post, 2024/05/07)

designating them as foreign agents;³⁵ rigged the electoral system;³⁶ retaliated against his political rivals, such as of course Alexei Navalny who died in prison in February 2024;³⁷ charged artists such as Pussy Riot³⁸ with hooliganism;³⁹ and of course muzzled the press by criminalizing independent reporting and blocking foreign media.⁴⁰ Short of a violent insurrection, those voices are precisely what governments worldwide fear, otherwise they wouldn't bother suppressing them to begin with.

The remainder of this chapter illustrates this principle with examples good and bad, showing the power of campaigning in the court of public opinion in support of direct action, and in contrast the perils of neglecting these factors in rushing to stage disruptive protests without a strong underlying platform.

Palestine Action

In October 2023, Palestinian resistance group Hamas conducted a terrorist raid on Israel, killing over a thousand civilians and abducting hundreds more,⁴¹ in retaliation for decades of arbitrary

³⁵ "Putin's Legal Crackdown on Civil Society" (Public Broadcasting Corporation, 2015/01/13)

³⁶ "Your Whole Family Already Voted: Incident At Polling Station Points Up Inconsistencies In Russian Constitutional Ballot" (Radio Free Europe, 2020/06/30)

³⁷ "Russian opposition leader Alexei Navalny dies in prison" (NBC News, 2024/02/16)

³⁸ "Pussy Riot's Alyokhina chronicles activism in new memoir" (Deutsche Welle, 2025/10/30)

³⁹ "In Putin's Russia, musicians face arrests for protest songs" (The Globe and Mail, 2025/11/22)

⁴⁰ "Russia Takes Censorship to New Extremes, Stifling War Coverage" (The New York Times, 2022/03/04)

⁴¹ "Israel's Attackers Took About 240 Hostages. Here's What to Know About Them." (The New York Times, 2023/11/20)

detention of Palestinian civilians by the Zionist regime.⁴² The attack was widely condemned worldwide, and would have resulted in an overwhelming wave of sympathy for Israel, in spite of its own record of human rights violations, were it not for the brutal way the government responded. In a matter of weeks, the Israel Defence Forces (IDF) carried out a campaign of genocide which killed tens of thousands of innocent civilians, forced the displacement of nearly two million more, and quickly reduced the entire Gaza strip to rubble.⁴³

Months went by with no end to the conflict in sight, to the consternation of virtually every person of conscience across the world, leading South Africa to accuse Israel of genocide before the International Court of Justice.⁴⁴ The crisis led to global mobilization against Israel by protesters, eclipsing even those of previous generations that opposed the Iraq war, South Africa's own apartheid regime, and the Vietnam war. The Israeli themselves massively took to the streets, albeit in support of the hostages instead of out of sympathy for the Palestinian people; that being said, they too opposed the war and sought a negotiated settlement,⁴⁵ a rare point of agreement among factions in the most divisive political standoff since World War II.

This polarization proved particularly acute between the British public and its government, whose staunch support of Israel goes

⁴² " Hamas says it has enough Israeli captives to free all Palestinian prisoners" (Al Jazeera, 2023/10/07)

⁴³ "How war destroyed Gaza's neighbourhoods - visual investigation" (The Guardian, 2024/01/30)

⁴⁴ "South Africa to Take Israel to Top UN Court on Genocide Claim in Gaza" (Voice of America, 2024/01/04)

⁴⁵ "Tens of thousands rally in Israel calling for hostage release deal" (British Broadcasting Corporation, 2024/09/01)

back to the *Balfour Declaration* of 1917;⁴⁶ in contrast, weekly marches across London drew hundreds of thousands of voices clamouring for a ceasefire.⁴⁷ No amount of demonizing rhetoric and repression on the government's part, from unfounded allegations of antisemitism to labelling protests "hate marches",⁴⁸ dampened support for the cause of Palestine liberation—though certainly not for lack of trying;⁴⁹ instead it emboldened activists and drove them to employ more radical tactics.

Enter Palestine Action, a decentralized direct action network formed in 2020 which focused its attacks on weapon manufacturer Elbit Systems and its subsidiaries for building ordnance used in the IDF's carpet bombing of the Gaza strip. The group's tactics quickly escalated beyond merely disruptive to outright criminal, ranging from vandalism to sabotage; an activist was even accused of striking a police sergeant with a sledgehammer during an August 2024 raid.⁵⁰ Over time, the network attacked the Bristol factory so persistently that Elbit Systems closed the facility altogether in 2025.⁵¹

I'd like to take a step back to emphasize Palestine Action's radical tactics,⁵² which went far beyond spraying red paint on

⁴⁶"More than a century on: The Balfour Declaration explained" (Al Jazeera, 2018/11/02)

⁴⁷"Pro-Palestine protests continue around UK for eighth weekend" (The Guardian, 2023/12/02)

⁴⁸"UK home secretary labels pro-Palestine rallies 'hate marches'" (Anadolu Agency, 2023/10/30)

⁴⁹Browne, B. C., Weizman, E., & Matchain, J. (2025). *Unpacking the crackdown on Palestine solidarity activism in the UK in a post-7 October reality*. Third World Quarterly, 1-18.

⁵⁰"Police officer 'unable to dress after hammer attack'" (British Broadcasting Corporation, 2025/11/24)

⁵¹"Israeli arms manufacturer closes UK facility targeted by Palestine Action" (The Guardian, 2025/09/06)

⁵²See document titled *Palestine Action: The Underground Manual* for details, currently available at the following URL: <https://targetmap.org/manual.pdf>

walls, to the destruction of facilities and assault on the police. These raids were unquestionably criminal, and brazenly so. In normal circumstances, those antics would turn public opinion squarely against such vandals, and had the government responded rationally, the group might just be sharing pariah status alongside Hamas by now, even among Palestine's supporters.

But the government indeed underestimated the potential for public backlash by doubling down on repression. It spuriously designated Palestine Action a terrorist entity and pressed terrorism charges against the 'Filton 18' actors behind the aforementioned August 2024 attack which injured a police officer.⁵³ This had civil rights advocates most concerned,⁵⁴ both because it inflated mere criminal incidents into terrorist attacks and because associating with an activist group protesting corporate complicity in genocide suddenly sufficed to land someone in prison. The outrage was such that over two thousand protesters, including environmental activist Greta Thunberg,⁵⁵ had themselves arrested on purpose holding signs professing their support for Palestine Action and denouncing genocide.⁵⁶

To make matters worse, the prosecution left the Filton 18 languishing in pretrial detention indefinitely, prompting some of the accused to start a hunger strike in protest, thus adding a speedy

⁵³ "Secret Report Undercuts U.K. Condemnations of Pro-Palestinian Group" (The New York Times, 2025/09/12); "Listen: The Debrief - Filton 18, the Palestine Action activists hit by anti-terror laws amid the British state's crackdown on dissent" (The Bristol Cable, 2025/03/17)

⁵⁴ "UN expert's concern over activist charges" (British Broadcasting Corporation, 2024/02/13)

⁵⁵ "UK police arrest Greta Thunberg under Terrorism Act" (Deutsche Welle, 2025/12/23)

⁵⁶ "How Palestine Action Sparked a Battle Over the Limits of Protest in the U.K." (Haaretz, 2025/12/23)

trial to their litany of demands.⁵⁷ Not only had the government failed to break the activists, its own authoritarian tactics drew further consternation.⁵⁸ Meanwhile, the ban on Palestine Action was being challenged in court, the group's legal counsel arguing that such proscription was repugnant to the tradition of the common law and contrary to the *European Convention on Human Rights*.⁵⁹

Palestine Action would not have succeeded at breaking Elbit Systems, nor at securing support in the court of public opinion, solely by wielding sledgehammers and smashing facilities to bits. It harnessed an unprecedented wave of public outrage over both the government and corporations' complicity in genocide in order to pressure them with direct action which normally wouldn't be tolerated by civil society. The leaders worked with lawyers from the onset, and came up with a legal strategy to put the government on the defensive with a challenge to its terrorist entity status, making the authorities look like the villains instead. Their approach also compelled media coverage of a crisis which otherwise might have faded due to self-censorship and public fatigue. The group produced a documentary titled *To Kill a War Machine (2025)* which the publisher took down shortly after release due to the group's proscribed status but remains available from unofficial sources. It even secured broad political support with an open letter by Jeremy Corbyn, signed by 51 members of Parliament and the nobility, urging the Secretary of State to meet with the hunger strikers' legal

⁵⁷ "Palestine Action activists awaiting trial in prison to go on hunger strike" (The Guardian, 2025/10/20)

⁵⁸ "The Guardian view on the Palestine Action hunger strikers: the government is trying to ignore this protest" (The Guardian, 2025/12/19)

⁵⁹ "Ban on Palestine Action is repugnant and should be lifted, high court told" (The Guardian, 2025/11/26)

counsel.⁶⁰

Finally, six of the defendants were acquitted in February 2026 of aggravated burglary at the Bristol factory, while the jury deadlocked on the charges of violent disorder, criminal damage, and causing grievous bodily harm with intent.⁶¹ This hung jury may be the result of an attempt at jury nullification via the necessity defence (see Chapter 4), with a wink from the judge, given that a juror made an inquiry in this direction.⁶² None of those defendants were convicted of any offence at the conclusion of this trial, and the outlook for the remaining ones is excellent given the local media coverage's praise of the verdict.⁶³

Furthermore, the High Court ruled days later that the ban on Palestine Action was disproportionate and consequently unlawful.⁶⁴ The ban remains in effect pending appeal.

Of course ongoing developments show the limits of even such a powerful front against a government with an extensive history of suppressing dissent. That being said, the current regime is reaping a heavy political toll for its obstinacy.⁶⁵ Repression has morphed the movement into Prisoners for Palestine, which combines Palestine Action's tactics with civic engagement and more hunger

⁶⁰ "Two Palestine Action-linked hunger strikers taken to hospital" (The Guardian, 2025/12/21); letter currently available on Jeremy Corbyn's social media accounts at the following URLs: <https://www.instagram.com/p/DRRxUd5jPWI/> <https://x.com/jeremycorbyn/status/2000899419655561520>

⁶¹ "UK pro-Palestinian activists not guilty of aggravated burglary" (Al Jazeera, 2026/02/04)

⁶² "Palestine Action activists cleared of aggravated burglary at Israeli defence firm site" (The Guardian, 2026/02/04)

⁶³ "Palestine Action's 'Filton 6' cleared in 'huge victory for moral courage in face of political pressure'" (The Bristol Cable, 2026/02/04)

⁶⁴ "UK Palestine Action ban ruled unlawful, in humiliating blow for ministers" (The Guardian, 2026/02/13)

⁶⁵ "Why won't the government meet the Palestine Action hunger strikers?" (The New Statesman, 2025/12/22)

strikes; allegedly 500 activists have expressed interest in its direct action training.⁶⁶

Fairy Creek

Old growth forests protection is an issue which resonates so strongly with British Columbians than its support transcends generations. One of Canada's largest civil disobedience battlegrounds was Clayoquot on the west coast of Vancouver Island. The campaign, dubbed the War in the Woods, culminated in 1993 with the arrest of over 800 people at a logging road blockade in protest over clearcutting in the area.⁶⁷ The activists earned significant concessions as a result, such as a *Memorandum of Understanding* between them and Isaak Forest Resources Ltd. that no logging would occur in areas that hadn't already been harvested,⁶⁸ and also the establishment of several conservancies protecting remaining areas.⁶⁹

But even this campaign paled in comparison to Fairy Creek three decades later, which in turn usurped Clayoquot's previous record for the largest act of civil disobedience in Canada, with nearly 1200 arrests by December 2021.⁷⁰ The conflict opposed the Rainforest Squad, which supported Pacheedaht Elder Bill Jones' call for old growth forest protection, to logging company Teal-Jones and the Pacheedaht First Nation band council which

⁶⁶ "Prison rights, Elbit's loss: How the Palestine Action hunger strike 'won'" (Al Jazeera, 2026/01/16)

⁶⁷ "The legacy of 'War of the Woods': Looking back on the 30th anniversary of Clayoquot Sound's 1993 mass arrests" (CHEK News, 2023/08/29)

⁶⁸ "What Clayoquot Sound Faces Now" (The Tyee, 2013/08/19)

⁶⁹ "Over half of Clayoquot Sound's iconic forests are now protected — here's how First Nations and B.C. did it" (The Narwhal, 2024/07/08)

⁷⁰ "1 year into injunction enforcement at Fairy Creek blockades, 100s of protesters await trial" (Canadian Broadcasting Corporation, 2022/05/17)

adamantly commanded the protesters to go home. In a rare instance of internecine conflict within indigenous communities spilling into the open, Elder Jones denounced Indian Band Nations as instruments of colonialism.⁷¹

BC Supreme Court granted Teal-Jones an injunction,⁷² which the protesters openly defied, standing their ground even as the Royal Canadian Mounted Police's (RCMP) Community-Industry Response Group (C-IRG) massed around them. The conflict escalated around August 2021, amid allegations of widespread excessive force against the protesters.⁷³ Journalists covering the protest, such as photographer Colin Smith dispatched by the *Victoria Buzz*,⁷⁴ were arrested by the RCMP for violating media exclusion zones in spite of a court order for the media to be granted access back in May.⁷⁵ According to multiple Fairy Creek protesters I've had the good fortune to exchange with a few years afterward, the officers intentionally caused a media blackout, exploiting the remoteness of the area, in order to clear protest areas expediently and with impunity, which is partly why accountability over police brutality proved so elusive.⁷⁶

⁷¹"Divide-and-conquer, old growth, and hereditary leadership: inside the Indigenous takes on the Fairy Creek blockades" (Capital Daily, 2021/04/24)

⁷²"Teal-Jones wins court ban on Fairy Creek old-growth blockades" (Canada's National Observer, 2021/04/01); see also *Teal Cedar Products Ltd. v Rainforest Flying Squad*, 2021 BCSC 605 (CanLII)

⁷³"Fairy Creek is set to become the largest act of civil disobedience in Canada's history" (The Narwhal, 2021/08/25)

⁷⁴"RCMP arrest Victoria Buzz photographer at Fairy Creek blockades" (Victoria Buzz, 2021/08/11)

⁷⁵"Judge rules in favour of journalists' access to Fairy Creek blockade" (Canadian Broadcasting Corporation, 2021/07/21); see also *Teal Cedar Products Ltd. v Rainforest Flying Squad*, 2021 BCSC 1554 (CanLII)

⁷⁶"RCMP rejects majority of complaints it's reviewed against B.C. unit that polices resource protests" (Canadian Broadcasting Corporation, 2023/11/04); "B.C. man speaks out on wrongful arrest after watchdog slams RCMP conduct at Fairy Creek" (Canadian Broadcasting Corporation, 2024/09/24)

Excoriating media coverage poured out in spite of these tactics,⁷⁷ later compelling BC Supreme Court Justice Douglas Thompson to decline to renew the injunction granted to Teal-Jones, on the grounds that doing so would amount to condoning the many civil rights violations committed by the RCMP in enforcing the injunction and thereby undermine public confidence in the judiciary.⁷⁸

On the other hand, methods of enforcement of the Court's order have led to serious and substantial infringement of civil liberties, including impairment of the freedom of the press to a marked degree. And, enforcement has been carried out by police officers rendered anonymous to the protesters, many of those police officers wearing "thin blue line" badges. All of this has been done in the name of enforcing this Court's order, adding to the already substantial risk to the Court's reputation whenever an injunction pulls the Court into this type of dispute between citizens and the government.

In the current circumstances, I am not persuaded that the balance of convenience favours extending the injunction. The factors weighing in favour of extension do not outweigh the public interest in protecting the Court from the risk of further depreciation of its reputation. It is not just and equitable in all the circumstances of the case to make the order sought. I exercise my discretion by declining to extend the injunction. The

⁷⁷"A Judge Rebuked Illegal RCMP Tactics at Fairy Creek. They Continue" (The Tyee, 2021/08/16)

⁷⁸"Judge ends injunction against Fairy Creek protests, citing 'substantial infringement of civil liberties'" (Canadian Broadcasting Corporation, 2021/09/28)

interim extension order that I made at the close of the hearing on 17 September 2020 shall expire at 4:00 p.m. today, 28 September 2021.⁷⁹

This explicitly states that the courts' overwhelming concern is to preserve their reputation, to the point that it may even compel a judge to refuse to uphold the law in the face of blatant injustice. Alas, this specific decision did not survive appeal,⁸⁰ reducing the judge to allowing the injunction extension after all. Even then, he wrote in his reconsideration decision:

I have come to understand what at first blush seems counterintuitive: the people I have sentenced value and appreciate the importance of obeying the law. Not a single person of the more than one hundred I have sentenced has previously committed an offence. They are highly intelligent people, non-violent and principled by nature. They are not naïve and misguided dupes of some shadowy organization aiming to break down the rule of law. They are not trouble-makers with nothing better to do. Most are well educated with fulfilling and important jobs, often in occupations focused on helping others. Most have a notable history of volunteer service. Their motives are altruistic and compassionate.

These intelligent people are not oblivious to the importance of the rule of law. They understand the role of the law in promoting and safeguarding peace and order. At the same time, they hear the sounding of clear

⁷⁹*Teal Cedar Products Ltd. v. Rainforest Flying Squad*, 2021 BCSC 1903 (CanLII)

⁸⁰*Teal Cedar Products Ltd. v. Rainforest Flying Squad*, 2022 BCCA 26 (CanLII)

warnings by IPCC scientists and others, and they fear that on the present course the future will be profoundly disordered for our species and others. They perceive that their conventional efforts to focus the attention of society's leaders on this existential issue have failed. They have decided that these desperate times call for desperate measures.⁸¹

The Rainforest Squad filed an appeal to the Supreme Court of Canada, which declined to hear the case. Nevertheless, a future instance of the highest court may eventually set a precedent in favour of those among us intelligent activists who have likewise decided that desperate times call for desperate measures.

In the meantime, sympathetic judges may still exercise their discretion in a way that transparently reflects this perspective, as long as they don't boldly state so in their decisions since the judiciary may never openly admit to bending the rule of law in favour of personal convictions, even in the face of public indignation. For example, the same judge later tossed out the charge of criminal contempt against a protester by invoking the ludicrous pretext that the RCMP failed to read the full text of the injunction prior to the arrest,⁸² forcing the prosecution to withdraw remaining charges against nearly 150 defendants.⁸³

⁸¹*Teal Cedar Products Ltd. v. Rainforest Flying Squad*, 2022 BCSC 1661 (CanLII)

⁸²"Fairy Creek protester acquitted of criminal contempt due to RCMP failure to give proper notice" (Canadian Broadcasting Corporation, 2023/02/09); see also *Teal Cedar Products Ltd. v. Rainforest Flying Squad*, 2023 BCSC 201 (CanLII)

⁸³"Cases dropped against 146 Fairy Creek protesters over RCMP's failure to read full injunction at arrests" (Canadian Broadcasting Corporation, 2023/08/10)

Public scrutiny of the RCMP's enforcement tactics at Fairy Creek persists years after the protesters have been dispersed. The Civilian Review and Complaints Commission (CRCC) declared in a September 2024 report that arresting a hiker for declining to be searched after crossing into an unreasonable exclusion zone was itself unreasonable, as was the officers' practice of removing their name tags to avoid being identifiable, and that of wearing 'Thin Blue Line' flag patches widely perceived as racist for having been introduced during Black Lives Matter protests in the United States.⁸⁴ A systemic investigation by the commission into CIRG conduct in the enforcement of multiple environmental protest injunctions is ongoing.⁸⁵

Actual relief via the BC Supreme Court has in contrast been unsuccessful. A class-action lawsuit claiming rampant police misconduct in enforcing the injunction was dismissed in June 2025 for being overly broad,⁸⁶ despite a strong parallel with an action against the Toronto Police Service Board pertaining to arbitrary detentions during the 2010 G20 summit.⁸⁷

Resistance against old growth logging continues, the latest battleground being the Walbran Valley, also on the west coast of Vancouver Island.⁸⁸ In September 2025, the BC Supreme Court granted an injunction to Tsawak-qin Forestry Inc. as it did for Teal-

⁸⁴"Man hiking near Fairy Creek, B.C., wrongfully arrested by Mounties, review finds" (CHEK News, 2024/09/11); CRCC report currently available at the following URL: https://www.crcc-ccetp.gc.ca/pdf/cirg_gisci-en.pdf

⁸⁵"Watchdog opens probe into RCMP unit that polices resource standoffs in B.C." (Canadian Broadcasting Corporation, 2023/03/09)

⁸⁶"B.C. judge rejects class-action bid over RCMP tactics at Fairy Creek protests" (CHEK News, 2025/06/24); see also *Dang v Canada (Attorney General)*, 2025 BCSC 1143 (CanLII)

⁸⁷*Sherry Good v. Toronto Police Services Board*, 2014 ONSC 4583 (CanLII); *Good v. Toronto (Police Services Board)*, 2016 ONCA 250 (CanLII)

⁸⁸"4 years after Fairy Creek, a new battle over B.C.'s old-growth forests looms in the Walbran Valley" (The Narwhal, 2025/09/12)

Jones, albeit with reservations over serious police enforcement overreach at Fairy Creek.⁸⁹ As for Teal-Jones, it was reduced to declaring bankruptcy in 2024, citing among other factors in its decision “a costly protracted demonstration at the logging site of one of [its] forest licences”.⁹⁰ Just saying.



Captured in May 2023 near the Legislative Assembly of British Columbia in Victoria, at a protest against the RCMP on its 150th anniversary.

Ottawa's Freedom Convoy and its aftermath

That was the good, in spite of its quirks. Here come the bad and the ugly, for the most part.

The COVID-19 pandemic remains one of the most polarizing crises in modern History, which at its nadir was nearly impossible to discuss rationally, as fear got the worst out of people and made them say the damnest things. I've heard undignified vitriol

⁸⁹*Tsawak-Qin Forestry Limited Partnership v. O'Connell*, 2025 BCSC 1880 (CanLII)

⁹⁰"B.C. forestry company Teal Jones battling bankruptcy" (Business in Vancouver, 2024/04/29)

and inflammatory rhetoric pervade mainstream political discourse, from both sides of the debate, that I wish never to hear again, and that most of those who lived through the period would rather not recall—especially the rampant anti-Asian racism.⁹¹

Since tempers have cooled down, I shall conclude this chapter with a rare nonpartisan analysis of Ottawa's Freedom Convoy protest and ensuing movement, because I cannot think of a better example of actors with legitimate grievances and a huge sympathy capital scuttling themselves with a toxic legal and political strategy, to the point of becoming pariahs in the court of public opinion. Of course that may be attributed in part to the presence of unsavoury characters among the movement's leaders, including notorious transphobic preacher Artur Pawlowski whose public appearances I ended up protesting in 2024⁹²—although it's difficult not to feel sympathy for the Devil given he was charged with feeding the homeless in violation of pandemic restrictions.⁹³

The Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) emerged in the Wuhan region of China in late 2019,⁹⁴ and in a matter of months spread throughout the entire planet, just like the Influenza virus a century prior. Due to its novelty, the world population was virtually defenceless to the airborne infection and millions died as a result, predominantly elderly and immunocompromised people but also a significant swathe of otherwise healthy individuals. This led the World Health Organization

⁹¹ "Trump's 'Chinese Virus' tweet helped lead to rise in racist anti-Asian Twitter content: Study" (ABC News, 2021/04/21)

⁹² "We Unify conference did nothing to unify Victorians this past weekend" (Capital Daily, 2024/06/27)

⁹³ "Public Health Charges Stayed Against Pastor Arrested for Feeding Homeless, Holding Outdoor Church Services" (The Epoch Times, 2022/12/20)

⁹⁴ Bogoch II, Watts A, Thomas-Bachli A, Huber C, Kraemer MUG, Khan K. *Potential for global spread of a novel coronavirus from China*. J Travel Med. 2020;27(2):taaa011. doi:10.1093/jtm/taaa011



Captured at the Legislative Assembly of British Columbia in Victoria in February 2022. Partially blocked car window statement read: "I ♥ U even if I disagree".

to declare a public health emergency in January 2020,⁹⁵ soon followed by virtually every nation, which worked in concert to slow the spread of the virus and devise a strategy to achieve herd immunity, primarily with the rapid introduction of experimental mRNA vaccines.

In the meantime, governments worldwide assumed emergency powers and improvised a response by issuing disparate public health orders curbing civil liberties, measures so severe democratic countries normally resort to these only in war time.⁹⁶ At first public reception was nonetheless overwhelmingly supportive, in spite of lockdown orders, travel restrictions, and bans on public assembly, as concerned citizens stood firmly behind health care workers working on the front lines of a global catastrophe seen

⁹⁵ "W.H.O. Declares Global Emergency as Wuhan Coronavirus Spreads" (The New York Times, 2020/01/30)

⁹⁶ "State of emergency: how different countries are invoking extra powers to stop the coronavirus" (The Conversation, 2020/03/30)

only once in a lifetime.⁹⁷

This wouldn't last, however, as authorities struggled to articulate a coherent rationale behind their improvised public health orders, which led to confusion,⁹⁸ resentment,⁹⁹ and of course rampant disinformation.¹⁰⁰ Flurries of scandals by public officials flouting their own pandemic rules,¹⁰¹ such as British Prime Minister Boris Johnson holding parties at 10 Downing Street,¹⁰² and French ministers dining at secret restaurants,¹⁰³ fuelled widespread cynicism and accusations of ruling class hypocrisy.

Then came the first approved vaccines, distributed with mandates aimed at ostracizing those who would refuse inoculation. While of course disinformation played a significant role in vaccine hesitancy,¹⁰⁴ so did governments' coercive and overtly hostile approach, French President Emmanuel Macron going as far as admitting he meant to 'piss off' the unvaccinated (the actual French term he employed literally means smearing with fecal matter).¹⁰⁵ This cavalier attitude would backfire spectacularly with the emergence of the virus' omicron variant rendering existing vaccines virtually

⁹⁷ "Canadian doctors share personal toll of COVID-19 pandemic 5 years later" (The Canadian Press, 2025/03/15)

⁹⁸ "Confusing COVID-19 advice is undermining public trust; here's how to restore it" (Canadian Broadcasting Corporation, 2020/10/09)

⁹⁹ "How the CDC's communication failures during Covid tarnished the agency" (NBC News, 2022/10/01)

¹⁰⁰ "Government communication on COVID-19 contributed to 'Freedom Convoy' origin: report" (Canadian Broadcasting Corporation, 2023/02/20)

¹⁰¹ "These 12 High-Profile Politicians Got Caught Violating Their Own COVID Rules" (Dr. Rich Swier's blog, 2021/08/03)

¹⁰² "Boris Johnson accused of 'shocking disrespect' over party comments" (The Guardian, 2023/12/07)

¹⁰³ "France investigates claims that ministers dined at secret restaurants despite lockdown" (France 24, 2021/04/05)

¹⁰⁴ "Fact check: Vaccine-related misinformation about Trudeau, tennis players and microchips swirls on social media" (CNN, 2022/02/07)

¹⁰⁵ "Macron's vow to 'piss off' the unvaccinated sparks outrage" (France 24, 2022/01/05)

ineffective at preventing its infection or transmission,¹⁰⁶ combined with reports of rare adverse effects of vaccination proving debilitating or even fatal.¹⁰⁷ As a result, the issue became extraordinarily divisive as experts and governments alike struggled to rationalize those mandates,¹⁰⁸ especially as they competed with alternative media outlets spreading misinformation, fuelling panic, and echoing conspiracy theories.¹⁰⁹

In Canada, the last straw was the plethora of restrictions placed on international travellers by the federal government, some of which had civil rights advocates duly alarmed. From resentment over the mandatory isolation period upon returning from abroad to complaints of chilling detention conditions at secret quarantine facilities¹¹⁰ and the continued detention of travellers who had already tested negative for the virus,¹¹¹ to say nothing of the polemic over so-called 'vaccine passports' meant to turn the noncompliant into second-class citizens,¹¹² and having to deal with an ArriveCAN

¹⁰⁶ "Most of the World's Vaccines Likely Won't Prevent Infection From Omicron" (The New York Times, 2021/12/19)

¹⁰⁷ Yaamika H, Muralidas D, Elumalai K. *Review of adverse events associated with COVID-19 vaccines, highlighting their frequencies and reported cases*. J Taibah Univ Med Sci. 2023;18(6):1646-1661. Published 2023 Sep 5. doi:10.1016/j.jtumed.2023.08.004

¹⁰⁸ "COVID-19 vaccine mandates have worked in Canada — but they're harder than ever to justify" (Canadian Broadcasting Corporation, 2022/02/12)

¹⁰⁹ For example: "Federal department gave money to magazine publishing pandemic misinformation" (Canadian Broadcasting Corporation, 2022/03/11)

¹¹⁰ "A rare glimpse inside Calgary's COVID-19 isolation hotel, as travellers share concerns" (Canadian Broadcasting Corporation, 2021/02/10); "Welcome to hotel of last resort, the government-run quarantine you really want to leave" (National Post, 2021/02/16)

¹¹¹ "Canadian traveller forced to stay in quarantine facility after negative COVID-19 test" (The Canadian Press, 2021/12/06)

¹¹² "Trudeau says people who are not fully vaccinated won't be able to travel on domestic planes or trains" (The Globe and Mail, 2021/08/18)

app plagued with prejudicial technical issues,¹¹³ the federal government had to fend strong headwinds of public dissatisfaction and predictable legal challenges¹¹⁴ as it already struggled to reassure the public over the scale of civil rights suspensions¹¹⁵ amid fears of a 'forever emergency' that would normalize these.¹¹⁶

So when over a hundred truck drivers, dubbing their initiative the Freedom Convoy, took to Ottawa from across the country in January 2022 and occupied the downtown area near Parliament with the goal of ending federal pandemic mandates,¹¹⁷ pleading their case before the court of public opinion should have been a slam dunk, and it initially was one given the many thousands of protesters emulating the concept in cities throughout the country and beyond.¹¹⁸ Instead the organizers' legacy borders on infamy,¹¹⁹ and not solely due to their personal character as I'm about to explain.

In fact, the debacle began with Canada Unity's *Memorandum*

¹¹³"Fully vaccinated Windsor, Ont., man told to quarantine after U.S. visit says he was 'retroactively punished'" (Canadian Broadcasting Corporation, 2022/08/28)

¹¹⁴For example: "ArriveCan technical issues violated *Charter* rights, alleges new class-action application" (CTV News, 2024/02/21); see also *Sabbag v. Canada (Attorney General)*, 2025 FC 148 (CanLII)

¹¹⁵"PM, health officials warn Canadians against believing COVID-19 'internment camps' disinformation" (Canadian Broadcasting Corporation, 2020/10/20)

¹¹⁶Gozdecka, D. A. (2021). *Human Rights During the Pandemic: COVID-19 and Securitisation of Health*. Nordic Journal of Human Rights, 39(3), 205-223. <https://doi.org/10.1080/18918131.2021.1965367>

¹¹⁷"'Freedom Convoy' rolls into town, jams Parliamentary Precinct, thousands protest against COVID-19 mandates" (The Hill Times, 2022/01/30)

¹¹⁸"In protests and politics, Canada's 'Freedom Convoy' reverberates" (Reuters, 2022/08/04)

¹¹⁹"The truckers brought chaos to Ottawa. What can we learn from them?" (MacLean's Magazine, 2022/03/02)

of *Understanding*¹²⁰ listing the organizers' demands, wrapped in a pseudo-legal contract flirting with *Meads v. Meads*¹²¹ territory, which I warned about in the introduction. Even worse, the demands far exceeded the mere repeal of federal pandemic mandates, extending to those beyond federal jurisdiction, and outright called for the resignation of the federal government should it fail to comply, which of course went completely overboard and gave the government ammunition to call the protest an insurgency. Had Canada Unity instead made a cogent argument based on the *Canadian Charter of Rights and Freedoms* and international treaties, worked with reputable civil rights advocacy groups, and simultaneously petitioned the federal government for redress via the court system, it would have made a much better impression on the public.

The campaign's political strategy was just as deficient, largely because the lack of a proper legal stance and cohesive messaging left the door open to American far-right political influence, such as the backing of notorious right-wing provocateur Tucker Carlson whose opinion of Canada is nothing short of incendiary.¹²² This in turn made radicals feel welcome among their numbers, even at the top of Canada Unity's structure, many pushing forward agendas that actually ran counter to civil liberties.¹²³ While far from all of these folks were fascists, common sense dictates that "you are what you eat" and likewise that the movement was whom it associated with or welcomed support from.

¹²⁰See *Canada Unity Memorandum of Understanding (Freedom Convoy 2022)*, archived at the following URL: <https://archive.org/details/convoymou2022>

¹²¹*Meads v. Meads*, 2012 ABQB 571 (CanLII)

¹²²"What is Tucker Carlson doing in Canada?" (Politico, 2024/01/24)

¹²³"Meet the Extremists and Social Media Influencers at the Centre of the Far-Right Siege of Ottawa" (PressProgress, 2022/02/08)

The government used draconian measures to break the siege, starting with the unprecedented invocation of the *Emergencies Act* to freeze the organizers' funds. Mounted police officers brutally dispersed the remaining protesters,¹²⁴ arresting over a hundred and drawing worldwide consternation as one demonstrator was allegedly trampled by a horse.¹²⁵ Even then, the organizers failed to reap any sympathy capital, much less vindication, from the resulting outrage, for those reasons.

There were many legal challenges to federal and provincial pandemic restrictions, and much to learn from them. On the bright side were a few which were sensible enough to resonate with the public, successful or otherwise, like a judicial review of the *Emergencies Act* invocation before the Federal Court, which in January 2024 declared it an unreasonable violation of *Charter* rights,¹²⁶ as did the Federal Court of Appeal two years later.¹²⁷ In one other case, the Ontario Court of Appeal overturned a lower court decision affirming the constitutionality of a provincial ban on peaceful protests, thereby declaring it an unreasonable violation of Article 2 of the *Charter*.¹²⁸ Also, a challenge to Newfoundland and Labrador's pandemic travel restrictions on nonresidents, in which intervened both the Canadian Civil Liberties Association (CCLA)

¹²⁴"Ottawa police use anti-riot weapons on convoy protesters, arrest 170" (Global News, 2022/02/19)

¹²⁵"Video Appears to Show Police Horses Trampling Canadian Trucker Protesters" (Newsweek, 2022/02/18)

¹²⁶"The Breakdown | Ottawa's use of the *Emergencies Act*" (Canadian Broadcasting Corporation, 2024/01/25); see also *Canadian Frontline Nurses v. Canada (Attorney General)*, 2024 FC 42 (CanLII)

¹²⁷"Government's use of *Emergencies Act* in 2022 was 'unreasonable': Court of Appeal" (The Canadian Press, 2026/01/16); see also *Canada (Attorney General) v. Canadian Civil Liberties Association*, 2026 FCA 6 (CanLII)

¹²⁸"COVID-19 rules barring protests in 2021 were unconstitutional: Ontario's top court" (The Canadian Press, 2025/04/07); see also *Hillier v. Ontario*, 2025 ONCA 259 (CanLII)

and the British Columbia Civil Liberties Association (BCCLA)¹²⁹ (quick geography lesson: the two provinces are at opposite ends of the country, roughly 4000 km apart), was nonetheless struck down in February 2026 by the Supreme Court of Canada in a split decision.¹³⁰ And an unsuccessful petition for judicial review of federal restrictions on air and rail travel based on vaccination status, only dismissed due to mootness, was championed by former Premier of Newfoundland and Labrador Brian Peckford.¹³¹

Yet for each of these, many more frivolous challenges have been thrown out with scorn. Among the worst, Action4Canada's 391-page lawsuit before the BC Supreme Court, cram-full of eccentric claims laden with conspiracy theories, was dismissed as prolix and "bad beyond argument"; worse still, the plaintiffs even had the nerve to appeal.¹³² Likewise, a class-action lawsuit brought forward by the Canadian Society for the Advancement of Science in Public Policy was tossed out by the BC Supreme Court in October 2025 as an abuse of process,¹³³ with the following rationale:

It is conceivable that a carefully focused and drafted legal proceeding could challenge those measures, including seeking damages awards for losses flowing

¹²⁹"B.C. civil liberties group joins Supreme Court challenge of N.L. COVID restrictions" (The Canadian Press, 2025/12/29)

¹³⁰"Newfoundland's COVID-related entry limit constitutional, court says" (The Canadian Press, 2026/02/17); see also *Taylor v. Newfoundland and Labrador*, 2026 SCC 5 (CanLII)

¹³¹*Peckford v. Canada (Attorney General)*, 2023 FCA 219 (CanLII)

¹³²"COVID-mandate lawsuit tossed for being 'bad beyond argument'" (Castanet, 2022/09/01); see also *Action4Canada v British Columbia (Attorney General)*, 2022 BCSC 1507 (CanLII), *Action4Canada v. British Columbia (Attorney General)*, 2024 BCCA 59 (CanLII)

¹³³"COVID-19 class-action application denied as abuse of process by B.C. judge" (Canadian Broadcasting Corporation, 2025/10/22); see also *Canadian Society for the Advancement of Science in Public Policy v British Columbia*, 2025 BCSC 2051 (CanLII)

from any of those restrictions found to be unlawful. Unfortunately, this particular proposed class proceeding, framing these particular claims, with this particular proposed class and sub-classes, as constantly reformulated by the plaintiff some eight times since its initial filing, suffers from so many self-inflicted problems, as outlined in these reasons, that the present claim is not the one.

The judge put it better than I ever could. These lunatic advocacy groups scuttled themselves with godawful legal strategies, plain and simple, and in the process lost face before the court of public opinion even though a large portion of the public, and even the judiciary, would otherwise be receptive to their arguments.

The nascent movement's self-injury extended beyond the courtroom. In the aftermath of the Freedom Convoy, supporters rallied into a political faction called We Unify, which didn't learn a thing from their public relations debacle by adopting a big tent policy of embracing everybody, only to welcome the worst. While there were sensible voices who promoted civil liberties among the lot (including Brian Peckford mentioned above), many were instead extreme social conservatives (like Artur Pawlowski, also mentioned above), alt-right influencers, or just plain attention-seeking trolls. One was Lauren Southern, who was barred from multiple countries, including the UK and Australia,¹³⁴ for gratuitous hate speech against Muslims and queer people.¹³⁵ Another was Lauren Chen, an obnoxious influencer who was summoned before a House of

¹³⁴ "Why controversial YouTube star Lauren Southern was banned from coming to Australia" (news.com.au, 2018/07/13)

¹³⁵ "Why the Alt-Right's Most Famous Woman Disappeared" (The Atlantic, 2020/10/16)

Commons committee over allegations that she acted as a proxy for a covert Russian disinformation campaign.¹³⁶

The organization's political ambitions were thwarted for good when I led a campaign with 1 Million Voices For Inclusion, a transgender activist group, in a failed attempt to cancel its Reclaiming Canada conference at the Victoria Conference Centre in June 2024.¹³⁷ Nevertheless, its brand was irrevocably tarnished, to the point that it would never again be welcome on the city of Victoria's public property.¹³⁸ The ultimate irony is that I stood alongside some of these folks in protest back in 2022, sharing their grievances, only to chase them out of town two years later. Talk about losing in the court of public opinion.

¹³⁶"Canadian linked to Russian influence campaign refuses to answer MPs' questions" (Canadian Broadcasting Corporation, 2024/11/05)

¹³⁷"Close-quarters protest and gay pop anthems greet attendees of controversial conference" (Times Colonist, 2024/06/23)

¹³⁸"'Running in fear': Documents depict chaos, confusion over Reclaiming Canada event" (The Canadian Press, 2024/12/19)

Chapter 3

Welcome to the legal casino

Lawsuits are war, it's as simple as that. And they begin the same way, with a declaration of war: the complaint. When you're a small firm and they're a big one, steeped in history and wealth like they always are, with their Persian carpets on the floor and their Harvard diplomas hanging on the walls, it's easy to be intimidated. Don't, that's what they want, that's what they expect, like all bullies. That's how they win. I don't run away from bullies.

A Civil Action (1998)

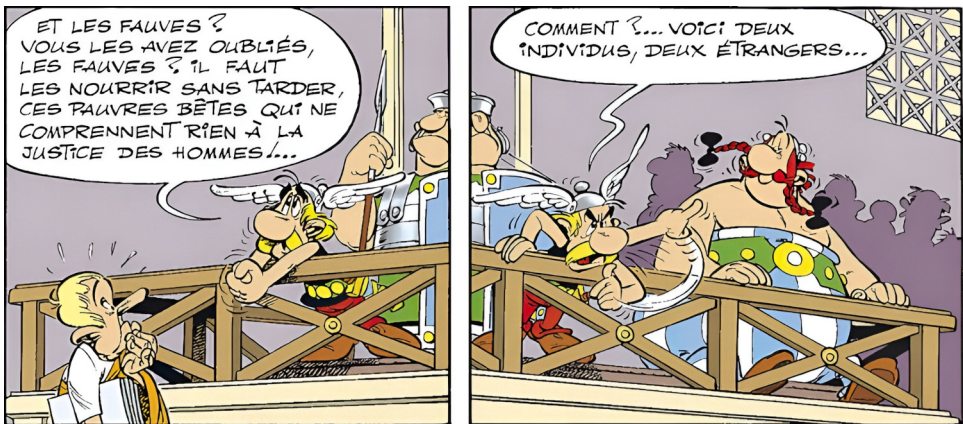
One might be wondering about the need for direct action at this point, even after studying the preceding examples. If all that's required to compel legislative amendments is to sway the public, why not leave it to the courts instead, and plead our cases with constitutional arguments over there?

Of course this incredibly naïve line of reasoning supposes the judicial system is a fair and rational process which consistently reaches the right conclusion following a reasonable application of the rules, and that even if mistakes are made the system magically corrects itself on appeal. If you believe that, I have a bridge to sell you, and for a hundred bucks' worth of iTunes gift cards¹ I will have it delivered to your front yard or wherever.

¹"Apple agrees to settle lawsuit over iTunes gift card scam" (Reuters, 2024/01/03); see also *Barrett et al v Apple Inc et al*, U.S. District Court, Northern District of California, No. 20-04812

Remember that in Chapter 1 I've exposed our repositories of laws as clusterfucks of nonsense which, if applied literally and systematically, would land everybody in jail for thousands of years—and I wish this were hyperbole. On that basis alone, no fair and rational process could deliver proper verdicts without a tremendous level of discretion.

This is only the start of the problem. In practice, the justice system, like all bureaucracy, isn't meant to deliver justice, but to produce the illusion of recourse in order to keep the populace docile, funnelling its frustrations through a meat grinder of protracted proceedings devised to sap its energies, erode its morale, and drain its resources until all that's left of supplicants is empty husks devoid of life. What else would you expect from a system commonly referred to as a circus, for being modelled after that of an antique empire legendary for its practice of having prisoners eaten by lions for the entertainment of the mob.



Asterix exhorts the Roman court to sentence him and his companion Obélix to *damnatio ad bestias*, because hey, those poor lions are starving, and they understand nothing to the justice of men. Source: *Les Lauriers de César*, by Goscinny & Uderzo (Éditions Hachette, 1972). Used without permission under the fair dealing exemption of Canada's *Copyright Act*. If you believe your copyright is being violated, sue me.

And even that isn't the crux of the problem we face. When petitioning the government for redress from the government's own excesses, we're playing a game in which our opponent makes the rules and skews them in its favour. So we're facing a party which breaks its own laws, sets the rules of arbitration, and cheats prior to and throughout the proceedings to boot, as if it were a game of *Monopoly Cheaters Edition*,² and makes itself immune from many otherwise available remedies such as criminal penalties, such that we're reduced to beg for taxpayer money, if that.

As if it weren't enough, cases are adjudicated by human beings—which are fallible and, however learned, have a propensity to subconscious bias.³ Even then, the poor things are expected to apply rules consistently by taking into consideration a gargantuan mess of disparate decisions made by a multitude of adjudicators who can't even agree on the meaning of plain language (as lawsuits over missing commas attest),⁴ much less thousand-page-thick bricks of legalese inked with molasses, rubber-stamped by sleazy lawmakers who often don't even get to review the text before they vote the party line.⁵

And that's without counting the most blatant judicial misconduct, which largely goes unchecked. For instance, in February 2022, reporters performed an extensive investigation into claims

²"Monopoly is releasing a special edition of its iconic game that's made specifically for cheaters" (Business Insider, 2018/06/01)

³Berryessa, Colleen & Dror, Itiel & McCormack, Bridget. (2022). *Prosecuting from the bench? Examining sources of pro-prosecution bias in judges*. Legal and Criminological Psychology. 28. 1-14. 10.1111/lcrp.12226.

⁴"The commas that cost companies millions" (British Broadcasting Corporation, 2018/07/22); see also *O'Connor v. Oakhurst Dairy*, 851 F.3d 69 (1st Cir. 2017)

⁵Brian Christopher Jones, *Don't Be Silly: Lawmakers "Rarely" Read Legislation and Oftentimes Don't Understand It... But That's Okay*, 118 Penn St. L. Rev. Penn Statim 7 (2013)

against Arizona's Maricopa County Superior Court judge Erin O'Brien Otis, exposed by a whistleblower producing extensive and graphic evidence that she and her staff "frequently mocked and ridiculed people during hearings and trials by emailing each other cruel, racial, and obscene statements, jokes, and memes" in addition to having *ex parte* communications with defendants. Yet against all reason Arizona's Commission on Judicial Conduct cleared her of all wrongdoings and dismissed the complaint with a terse order, all details of the non-investigation kept strictly confidential by law. While the allegations compelled her resignation prior to the decision, she went on to work as a prosecutor for the Maricopa County Attorney's Office instead, and was only admonished by the state bar association, a mere slap on the wrist, for all discipline pertaining to her egregious conduct while on the bench.⁶

Honestly, it would be a huge improvement to just roll dice, if only for the benefits of fairness and expeditiousness. The justice system is a casino anyway, and taking on the government means playing against the house; sometimes you win, sometimes you lose, but in the end the house always wins.

So we're not going to play the game on the government's own terms; we're going to outsmart the system, and if the adverse party breaks the rules, we're going to break them too. Instead of whining that the system is unfair, let's take advantage of the fact that the system is broken to elicit outcomes which it isn't meant to produce. To expand on Chapter 2, let's abuse judicial discretion by daring courts to deliver decisions which would undermine public confidence in the judicial system. After all, judges regularly face such quandaries, as Malcolm M. Feeley explained in the classic

⁶"(dis)Honorable" investigation series (ABC15, 2022/02/11–2023/02/03); see also *State of Arizona Commission on Judicial Conduct—Disposition of Complaint 19-236*

sociolegal treatise *The Process is the Punishment*:

Decisions made under a strict application of rules often lead to outcomes that few find palatable. The lifetime consequences of a record of conviction for a college student out on a Saturday night lark are difficult to accept; the courts frequently wink at such cases (and wish the police had not made the arrest in the first place). Suspending the driving license of a father of four who requires a car to get to work may be more difficult than suspending the license of an eighteen-year-old high school student. Sending a frail, effeminate man to a prison known for its brutal homosexuality may be unpalatable to some judges. Inevitably those who “apply” rules, however laudable and well-intentioned the rules are in principle, are at times confronted with the consequences flowing from their application. Even the most perfect system of rules must be applied in an imperfect world, and at times this gives rise to the impulse to ignore or circumvent it. But many are disgusted as well at decisions which free a “known criminal” on a technicality—because the evidence was weak or a crucial witness failed to appear—and these people take the opportunity, if it is available to them, to express their moral outrage. This can take the form of an insult by the auxiliary personnel or stern lectures by the judge and prosecutor.⁷

Welcome to the jungle, ladies and gentlemen. Get ready to hack

⁷Feeley, M. M. (1979). *The process is the punishment: Handling cases in a lower criminal court*. Russell Sage Foundation, pp. 23-24.

your way through it.

The quasi-judicial backdoor

But before we contemplate beating the house at its own game, we first need to learn to navigate the legal system, because it isn't nearly as welcoming as a casino.

By this point I presume none of you is a lawyer, because no lawyer should be reading this book past the introduction—or even the title. So you might wonder how to navigate the legal system without being a lawyer nor being able to afford one. This is actually a lot easier than many presume. When people think of the legal system, they picture the judicial system, that of law courts, with judges presiding over jury trials, impenetrable to anyone without a law degree. But this is only the tip of the iceberg. Most legal decision-making bodies instead belong to the quasi-judicial system, designed to be accessible without a lawyer. Here in British Columbia, we have among many the Civil Resolution Tribunal, for claims up to \$5000; the Human Rights Tribunal, for claims of discrimination; the College of Physicians and Surgeons, for complaints against doctors; the Office of the Police Complaint Commissioner, to investigate police misconduct; the Office of the Information and Privacy Commissioner, for disputes over freedom of information; WorkSafeBC, for workplace-related complaints; and the Residential Tenancy Branch, for disputes between tenants and landlords. I'm skipping dozens more, just at the provincial level.

Perhaps you wonder how these differ from courts of law. Frankly, I could not formally explain the distinction without sounding anal-retentive, since they're all institutions which arbitrate legal disputes between adversaries. Nevertheless, there are superfi-

cial differences, starting with the fact that quasi-judicial decisions are subject to review by the courts as a form of appeal. Naturally, the quasi-judicial system is more accessible, usually free but otherwise tremendously cheaper, with far simpler rules, especially pertaining to evidence. Its venues specialize in a narrow area of law, their respective jurisdictions usually limited to a single act. And technically their orders can only be enforced by the courts, although whether courts can enforce their own orders is a matter of debate.⁸ Otherwise many quasi-judicial bodies function similarly to a civil court of law, to the point that the distinction may be difficult for the uninitiated to grasp.

Of course accessible doesn't mean easy, and the process may be opaque, but it's a good start. An advocate without legal training can quickly memorize a given venue's underlying enactments and rules, and assimilate the relevant jurisprudence, for these are far less extensive than the ocean of legal strictures civil courts have to contend with. Furthermore, since these are indeed meant to be accessible without a lawyer, few lawyers are familiar with them, and even fewer specialize in them, meaning that a lowly advocate can gain an edge over trained professionals; I myself specialize in the BC Human Rights Tribunal and I am confident I can take on any lawyer in a human rights dispute.

The path to legal advocacy

So what next? Do we just walk in through the front door and complain? Not so fast. The first requirement to file a legal complaint is standing. Not everybody is allowed to file a complaint

⁸"He won \$20K in small claims court after suing a shady contractor — 7 years later he's still trying to collect" (Canadian Broadcasting Corporation, 2023/11/13)

over a given grievance, however legitimate; in principle, only a person with the proper legal prerogative, capable of asserting harm and entitled to redress, can come forward with a legal complaint. In vernacular, this means for example that only the owner of a given property can file a complain for theft, just like only the copyright holder can complain of copyright infringement, only the victim of slander or libel can sue for defamation, and only the employee who was fired can claim wrongful dismissal.

This causes a huge headache for advocates, because they by themselves lack standing, given that they advocate for third parties. For instance, Niki Ottosen of the Backpack Project filed a complaint against the City of Victoria at the Civil Resolution Tribunal, over the value of camping gear she'd donated to an unhoused person in September 2021 only for city employees to confiscate and destroy the items instead of returning these in the same condition they were taken. The complaint was dismissed in February 2023, primarily due to lack of standing, since she didn't own the donated items that were allegedly destroyed.⁹

The catch of course is that an advocate's client may also be unable to complain on their own behalf. Think of the homeless, the mentally ill, the elderly, the disabled, foreigners facing a language barrier, criminals under detention, or refugees kept out of the country. If people who have access lack standing, and those who have standing lack access, then how is anyone supposed to prosecute a claim?

The answer is to become a legal advocate. Usually the term is intended to designate trained professionals with a mission to help clients navigate the quasi-judicial system, but technically anyone can file a legal complaint in such a venue on behalf of someone

⁹*Ottosen v. City of Victoria*, 2023 BCCRT 149 (CanLII)

with standing, thus becoming a legal advocate in a private capacity. Think of legal advocacy as the equivalent of legal counsel for adjudicative bodies falling short of the courtroom. I insist that legal advocacy does not require any qualifications; I myself have faked it till I made it by helping two homeless clients each file a complaint at the BC Human Rights Tribunal against the City of Victoria, and I'm still the advocate for one of them.

Of course there are ethical obligations that come with the role. Advocates have to play by the rules of the organization they're filing complaints with, and act with the best interest of their clients in mind. Typically they are bound to confidentiality and must swear not to have any financial stake in the case. These duties come with a lot of power, however: that of retaliating against powerful parties they have no personal claims against. This is the contract which binds advocates with their clients.

If you're serious about beating the house at its own rigged casino, you may also need to reach out to lawyers, which is another function of legal advocates. I've argued in the previous chapter that lawyers need advocates on the ground just like advocates need lawyers in court. A legal advocate, even an impromptu one, can bridge the gap by performing tasks usually the province of paralegals. Lawyers cannot be expected to do all the work by themselves, especially if they lack familiarity with a given context; they need people who know both the law and the facts of the case to do some basic groundwork, from compiling relevant documents to drafting affidavits, and only then do they write the complaint proper.

This makes all the difference when reaching out to civil rights advocacy organizations. A legal advocate doesn't merely petition them as a suppliant, but offers to fight alongside them as an ally,

offering expertise even lawyers may not have. As an advocate for the homeless, I've successfully carried out this strategy in order to gain a priority line with the British Columbia Civil Liberties Association (BCCLA). In fact, it worked way better than I had expected; I even got invited to a national encampment litigation strategy discussion group of legal professionals from all over the country. While not everyone was a lawyer, I'm pretty sure I was the only amateur on board who had never attended law school, and yet I was contributing to the debate as an equal. Okay, I admit I was so out of my league that I felt something akin to impostor syndrome, but hey, my persona forbade me from chickening out, and neither should you. So forge ahead like Erin Brockovich did,¹⁰ and fake it till you make it as well.

Fox et al. v. City of Victoria

Wearing the hat of a legal advocate is only the equivalent of chipping in at the poker table, however; this is nowhere near enough by itself to beat the house at its own game. To demonstrate the brutal reality of an actual legal fight in which people's lives are at stake, I offer a personal account of a campaign that we advocates for the homeless waged against the City of Victoria, which ought to burst the bubble of anyone who thinks keeping the government accountable via the legal system can be done with the flick of a magic wand.

The rights of the homeless have come a long way since the enactment of the *Canadian Charter of Rights and Freedoms* in 1982. Multiple landmark court precedents have enshrined the

¹⁰“Where Is Erin Brockovich Now? All About the Former Paralegal’s Life 25 Years After Julia Roberts Brought Her Story to Life On-Screen” (People Magazine, 2025/03/25)



Captured at the intersection of Pandora Avenue and Quadra Street in Victoria, British Columbia, in April 2023.

unhoused's right to shelter from the elements as a last resort, invoking Article 7 which guarantees the right to life, safety, and security of the person. The first was *Victoria v. Adams*,¹¹ a legal saga which was put to rest in 2009 with the British Columbia Court of Appeal rejecting the preposterous notion that the City of Victoria could invoke Article 1 to overrule the respondents' *Charter* rights in order to protect its parks, for being incompatible with the principles of fundamental justice. More would follow, such as *Bamberger v. Vancouver*,¹² a judicial review which in January 2022 struck down a decision of the Park Board whittling down one park too many from the list of those in which emergency sheltering is allowed, for there not having been enough space remaining in shelters and other parks to accommodate the city's homeless

¹¹*Victoria (City) v. Adams*, 2009 BCCA 563 (CanLII)

¹²*Bamberger v Vancouver (Board of Parks and Recreation)*, 2022 BCSC 49 (CanLII)

population.¹³

Yet the fight for the right to shelter is far from over, as in recent years municipalities across the country have conspired to erode the judiciary's prerogative, by constructively or even blatantly violating court precedents; for example in Vancouver,¹⁴ Prince George,¹⁵ Abbotsford,¹⁶ Barrie,¹⁷ and Hamilton;¹⁸ furthermore, the government of Ontario has contemplated invoking the *Charter's* notwithstanding clause to preclude court challenges to encampment evictions altogether, drawing public outcry from city council members across the province.¹⁹

Nowhere in the country is the battleground in the public's war on the homeless hotter than here in Victoria, where the housing crisis hit the worst and shelter scarcity is dire.²⁰ In the past few years, the Alto administration has waged a campaign of forced displacement against the unhoused community, with for avowed goal to offload them onto neighbouring municipalities while falling

¹³"Lacking suitable housing alternatives, city can't evict tenters from CRAB Park, Supreme Court rules" (Vancouver Sun, 2022/01/14)

¹⁴"Vancouver park board order restricting CRAB Park shelters faces court challenge" (Vancouver Sun, 2024/10/08)

¹⁵"Prince George to evict unhoused people from encampment, citing safety concerns" (Global News, 2023/09/01)

¹⁶"Arguments heard in court over encampment at Abbotsford City Hall" (The Abbotsford News, 2024/10/03); see also *Matsqui-Abbotsford Impact Society v Abbotsford (City)*, 2024 BCSC 1902 (CanLII)

¹⁷"What happens next for residents of Berczy Park homeless encampment?" (Barrie Today, 2024/09/05)

¹⁸"What the City of Hamilton Can and Cannot Do Following Encampment Court Decision" (The Public Record, 2025/01/07); see also *Heegsma v. Hamilton (City)*, 2024 ONSC 7154 (CanLII), *Heegsma v. Hamilton (City)*, 2025 ONCA 588 (CanLII), *Heegsma v. Hamilton (City)*, 2025 ONCA 904 (CanLII)

¹⁹"Local councillors sign letter asking Premier Ford to ignore calls to use notwithstanding clause" (Canadian Broadcasting Corporation, 2024/11/18)

²⁰"No place for home: CBC series dives into Victoria's housing crisis" (Canadian Broadcasting Corporation, 2023/03/02); "'Where do people go?': Over 1,600 homeless in Victoria far surpasses shelter space" (CHEK News, 2024/01/24)

just short of shoving them off city limits altogether.²¹

A comprehensive overview of the escalation would require a chapter all by itself. Let's say that within these few years we've impotently witnessed the dismantling of several park encampments,²² the prohibition to shelter overnight in all but a few inaccessible parks in the city's periphery,²³ a crackdown on the notorious 900-block of Pandora Avenue which has since been largely fenced off like a ghetto,²⁴ the closure of shelter space such as Tiny Town in a ball game with the provincial government,²⁵ and a proposal to relocate it in a neighbouring municipality just as it reopened,²⁶ the scuttling of the municipal Emergency Weather Response shelter protocol even with funding from BC Housing,²⁷ the refusal to provide the 900-block of Pandora Avenue with a 24-hour washroom,²⁸ and a project to turn the Centennial Square fountain into a splash park²⁹ ostentatiously meant to chase away homeless people—to list only these. Instead, the council preferred spending

²¹ "Victoria bylaw amendments offer strategies for dealing with the homeless crisis" (Capital Daily, 2025/03/14)

²² "Victoria adds four more parks to its no-sheltering list" (Times Colonist, 2023/11/02)

²³ "Victoria council moves ahead with camping ban in Irving, Vic West parks" (CHEK News, 2024/06/28)

²⁴ "Victoria council calls for stepped-up effort to halt sheltering on streets" (Times Colonist, 2024/07/19); "More fences installed as City of Victoria works to end Pandora encampment" (Times Colonist, 2024/11/02)

²⁵ "Saved my life': Victoria's 'Tiny Town' housing site closing down in September" (CTV News, 2023/03/10); "Tiny Town container-housing village set to reopen at Royal Athletic Park parking lot" (Times Colonist, 2024/02/24)

²⁶ "Victoria councillors looking to move Caledonia Place to nearby communities" (CHEK News, 2024/11/09)

²⁷ "With snow on the horizon, Victoria is preparing overnight extreme weather shelters" (Capital Daily, 2022/12/16)

²⁸ "24/7 bathroom needed for Pandora homeless encampment, Victoria councillors say" (Times Colonist, 2023/10/30)

²⁹ "Centennial Square redesign drops fountain, keeps artwork, cuts down a giant tree" (Times Colonist, 2024/06/30)

millions of dollars a year, in Councillor Krista Loughton's words, "to rearrange the deck chairs on the Titanic."³⁰

But worst of all, the crisis came with alarming inflammatory rhetoric spread by city councillors hell bent on exacerbating the situation. For example, in July 2024 Councillor Jeremy Caradonna made a sugarcoated plea to Prime Minister Justin Trudeau to declare a state of emergency, dispatch the army, turn the Bay Street Armoury into a concentration camp, and round up the homeless population for triage.³¹

Around that time, I was a legal observer with Stop The Sweeps Victoria. A few months ago, I'd assumed the mantle of legal advocate in a private capacity by helping a homeless person file a human rights complaint against the City of Victoria, and I would soon take a second client. But deep down I knew this would not suffice against the city's imminent threat to close the last two accessible parks to overnight sheltering. Merely filing individual complaints was too little of a deterrent (compared to a collective one, as the CRAB Park encampment had done in Vancouver),³² and city officials basically called us legal observers' bluff by ignoring us. Councillor Loughton even had the nerve to tell an unhoused person "why don't you just sue us?" at one of our Irving Park community meetings in response to his argument that the municipality's stance went against the jurisprudence.

So I began pushing for a court challenge of the upcoming *Parks Regulation Bylaw* amendment in July 2024, mere weeks before it was set to come into effect. No one else in our group wanted

³⁰City of Victoria municipal council April 18 2024 Committee of the Whole meeting; recording available at municipality's website

³¹"Victoria council calls for stepped-up effort to halt sheltering on streets" (Times Colonist, 2024/07/19)

³²"Vancouver encampment residents to have complaint against city heard by human rights tribunal" (Canadian Broadcasting Corporation, 2023/12/18)

to hear of it, so I raised my voice and called a human rights law lecture on Pandora Avenue to explain my plan.³³ This was way bolder than you may appreciate, since the police was on edge following the assault of a paramedic by an angry mob of homeless people not one block from the site I'd chosen.³⁴ I swear that the cops responded by deploying fifteen agents in uniforms, while the nearby supermarket had hired at least eight security guards—and six counterprotesting NIMBYs with signs joined in. Believe it or not, our mere two dozens in attendance were outnumbered by the opposition.

The cops had braced themselves for chaos, thinking I might start a riot. Instead I gave the liaison officers a copy of a leaflet I'd prepared for advocates and the unhoused community, on which I explained how the city's policy to prohibit overnight sheltering in municipal parks violated both Article 7 of the *Canadian Charter of Rights and Freedoms* and Section 8 of the *British Columbia Human Rights Code*. Officers have no gear around their belts nor tricks in their playbook to counter legal advocacy, which is why it's so powerful against them.

Although our community of advocates differed greatly on how to proceed next, we reached out to civil liberties associations, getting the backing of both the BC Civil Liberties Association (BCCLA) and the Pivot Legal Society, which sent a joint letter to the city council warning them of legal jeopardy under Article 7 of the *Charter*.³⁵ I myself served it in person to bylaw officers at Irving Park on the morning of August 1st, as an escort twice the normal

³³Recording currently available on Youtube at the following URL: <https://www.youtube.com/watch?v=Shx8I14q3eE>

³⁴"First responders get police escort for downtown Victoria street" (Canadian Broadcasting Corporation, 2024/07/12)

³⁵"LETTER: Victoria's decision to ban sheltering in parks violates Charter" (Victoria News, 2024/08/04)



Captured at Vic West Park in Victoria, British Columbia, in August 2024, right before the municipality fenced off the area.

size oversaw the expulsion of the campers before city employees fenced off the area.³⁶ Not an hour prior, the sweep team had actually attempted to fence off Irving Park first, but a desperate old man with limited mobility and nowhere to go hung himself to a tree in protest,³⁷ compelling the convoy to change course. The remaining Irving Park residents steadfastly refused to budge and sent a letter of demands to the municipal council,³⁸ although they would eventually be cleared a few weeks later nonetheless.

Even then, fellow advocates were against filing a *Charter* challenge at the BC Supreme Court, given we lacked resources and the backing of a lawyer, objections which were reasonable

³⁶Short clip available on Youtube at the following URL: https://www.youtube.com/shorts/_-ibsT_w7IM

³⁷"Unhoused man hanged himself to protest new Victoria camping restrictions" (CHEK News, 2024/08/01)

³⁸"Campers at Irving Park refuse to obey order to leave" (Times Colonist, 2024/08/04); letter currently available on Instagram at the following URL: <https://www.instagram.com/p/C-JrZc1pXwn/>

but I was way past reasonable at that point. So I broadcast a call on a mailing list of unhoused residents interested in participating in a lawsuit against the city, supplemented with every civil rights advocate and lawyer whose email address I knew, and basically announced that we would be doing it, even if that meant I'd do it myself with just one complainant. My plan was to keep it minimalistic, since time was of the essence; we'd stick to rock-solid precedents such as *Adams* and *Bamberger*, and rely only on evidence which was either public or available on the record. I went as far as preemptively labelling anyone who would advise restraint a coward and telling them to save their objections for that old man who'd just hanged himself to a tree at Irving Park.

This was worse than desperation; it was bonkers, even by my standards. But my tantrum got the attention of Alex Kirby of the BC First Nations Justice Council, who had been the legal counsel for *Bamberger*, and he offered to help. His recommended approach was to file a petition for judicial review instead, offering the argument that a municipal bylaw was an administrative decision. I breathed a sigh of relief then; a judicial review is a lot quicker, cheaper, and easier to prosecute than a normal lawsuit, since the standard of review is mere reasonableness³⁹ and for better or worse only evidence on the record is admissible. Finally we had a shot at retaliating.

I say this, but this was no ordinary petition for judicial review. I've filed two by myself for personal complaints so far, each of which took me just a few days of work; in contrast, I spent a couple weeks working on that one just for the groundwork, like building a detailed chronology of events with sources, transcribing council

³⁹*Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 (CanLII), [2019] 4 SCR 653

meetings, and scouring official documents for any tidbit we could use, all the while literally running across town keeping in touch with our petitioners and trying to find new ones, so other members of the team could draft the affidavits and our legal counsel the petition proper. If I had been reduced to doing it all on my own after all it would have taken months, and I wouldn't have done nearly as well as our lawyer did—especially when it comes to constitutional law, which is way out of my league. Tensions ran high among the team but I have to admit we did an outstanding job putting it all together in just a month. By October 2024 we were ready to file and serve the respondent.

You think we were all set by then? Not so fast. If nothing else, scheduling a hearing for a major case like this typically takes about six months, and indeed our petition was to be heard in April 2025. That's a whole winter for the homeless people who'd been displaced to spend in the cold without shelter, and we weren't invoking Article 7 of the *Charter* for show; people do die or suffer life-altering injuries on the streets all the time, especially in winter. Furthermore, I expected the municipal council to respond by amending the bylaw prior to the hearing as a stalling tactic, which would then push the hearing another six months down the road. Even then, judges usually take two or three months to issue a decision for a case of this magnitude, which would take us to the winter of 2026, and even if we prevailed the respondent might appeal, or drag its feet in implementing the judge's order. In other words, time played against us.

I ended up slamming the door on our legal team for feeling underappreciated, especially factoring in that I'm a disabled person with terrible constitution and yet I'd burned myself out so hard that I ended up developing a *MRSA* infection in October which

came uncomfortably close to killing me. On the bright side, that meant I could act independently, which suits my character better anyway.

My plan to turn the game around was to build a homeless encampment right by City Hall, the best location in town for such a purpose and the very last place the council wanted to see one, especially since it would be right next to its illuminated winter village with a Ferris wheel;⁴⁰ time would then play against the respondent and compel it to negotiate a settlement. That being said, I couldn't just call a protest tent city over there without getting the green fenced off, while discreetly building commitment for such a stunt would have taken months.

So I sent a media advisory to announce the encampment would be at the Victoria courthouse playground instead, the only downtown park on Crown Land, beyond the reach of municipal bylaw enforcement. Such an encampment was set up in 2015 and lasted about nine months,⁴¹ until dismantled after a BC Supreme Court judgement declared it unsafe; residents were nevertheless spared long enough to be relocated to available shelter space (more about that in Chapter 4). That encampment is said to have cost the province three million dollars in legal fees and cleanup expenses.⁴²

While the announcement itself was bonkers, the threat was plausible because I'd spent several months assuming the persona of legal advocate, and that sounded like the kind of loophole one would exploit. Also, it sent an unspoken threat to the courthouse

⁴⁰"Lights of Wonder returns to Victoria this weekend with Ferris wheel, 360-degree camera" (CHEK News, 2024/11/28)

⁴¹"Legal loophole: Tent city springs up on Victoria courthouse lawn" (CTV News, 2015/11/23); "Final goodbye to tent city, ramshackle Victoria B.C. camp dismantled" (Canadian Broadcasting Corporation, 2016/08/12)

⁴²"Province spent \$3M on Victoria tent city court costs and clean up" (Times Colonist, 2017/08/03)

at which the petition would be heard, compelling whichever judge would preside over the proceedings to think very carefully about the consequences of striking down the petition over a technicality.

In any case, it worked so well that the provincial government fenced off that playground instead, whereas the municipal council suspected nothing when the crowd assembled at Centennial Square right by City Hall for a march to the courthouse that was never meant to take place. Sadly, we didn't have the numbers to hold until morning, but a dozen of us did pitch our tents on the green for the night.⁴³ Had we achieved critical mass instead, the council would have had little choice but to capitulate, for being caught between a rock and a hard place; clearing the encampment by force would have been too risky since the municipality might have incurred massive *Charter* damages for enforcing a blatantly unconstitutional bylaw with mass arrests.⁴⁴

Things quickly went downhill from there. Days after the protest, one of our three petitioners died in circumstances beyond suspicious, right after granting *Victoria News* an interview.⁴⁵ One other was retaliated against by the sweep team so hard that she feared for her life in the aftermath of his death, to the point of having to go into hiding;⁴⁶ in the end, the municipality would even kill her dog out of spite. I swear that tempers flared so hot, I sent a raging email to council members' personal email addresses, copying the *Victoria Police Department*, stating that should another client

⁴³ "Protest encampment near Victoria City Hall dismantled after bylaw visit" (*Times Colonist*, 2024/12/02)

⁴⁴ "Supreme Court rules governments cannot shield themselves from lawsuits prompted by bad legislation" (*The Globe and Mail*, 2024/07/19); see also *Canada (Attorney General) v. Power*, 2024 SCC 26 (CanLII)

⁴⁵ "'People are going to die': Victoria group protests encampment crackdown" (*Victoria News*, 2024/12/02)

⁴⁶ "'Unconstitutional': Court challenge to City of Victoria's decision to restrict sheltering in parks" (*CHEK News*, 2024/12/16)



Captured in December 2024 at the Victoria courthouse playground in British Columbia. Take that NIMBYs! How do you like those fences now?

of mine die, Councillor Caradonna would get his wish to see the military deployed in town, only it wouldn't be for a humanitarian mission—and I wasn't bluffing; riots have started for less indeed (see Chapter 11).

The council did amend the *Parks Regulation Bylaw* in March 2025, just as I had predicted, pushing the hearing all the way to November 2025.⁴⁷ The hearing lasted a whole week, during which both the BC Human Rights Commissioner and the Office of the Deputy Attorney General were granted leave to intervene.⁴⁸ I attended all five days of the hearing, listening to mind-numbing constitutional law arguments which almost made me lose my mind. The parties seriously argued over whether there was sufficient

⁴⁷“Court challenge delayed by Victoria’s new shelter bylaw amendments” (Victoria News, 2025/04/21)

⁴⁸“City of Victoria defends sheltering in parks restrictions in court” (CHEK News, 2025/11/24); “Closure of two Victoria parks to overnight sheltering challenged in court” (Times Colonist, 2025/11/26)

evidence that the petitioners' *Charter* rights were engaged (even though one of them had died dammit, but the dead lose standing), whether Google Maps printouts were admissible as evidence on the record (the distance between parks wasn't in dispute, so who the fuck cares), whether the municipal council vote was actually a quasi-judicial decision as opposed to an administrative one (this is patently absurd, as a municipal council is nothing like a tribunal), and even whether there were court precedents asserting the right to empty one's bladder and bowels under Article 7 of the *Charter* (no comment). And don't get me started on the debate over how to interpret *Vavilov* because even now I still don't understand what the parties disagreed on.

The decision has yet to be rendered at the time of this writing. I do not look forward to it, because even if the surviving petitioners prevail on the merits and obtain the order sought, the harm is already done, so we've lost this battle. The dead do not return to life, injuries may never heal, and trauma never disappears. The displaced may never return to where they were once chased from, especially given the municipal council's fallback strategy of building 'park improvements' such as playgrounds wherever the homeless set up camp.⁴⁹ In short, it isn't good enough to win in court; genuine victory entails breaking the enemy's will to fight. And in this respect, we failed.

La Maison Qui Rend Fou (The Crazy House)

I've opened this chapter by explaining why it would be naïve to merely trust in the judicial system to carry out justice. By this point you might on the contrary wonder why anyone in their right

⁴⁹"Victoria's Stadacona Park re-opens after playground rebuild" (CHEK News, 2023/10/28)

mind would bother at all; allow me then to conclude this chapter by answering that you need to watch more cartoons.

Astérix is the protagonist of a famous Franco-Belgian comic book series by Goscinny and Uderzo, about a besieged village of diehard Gauls resisting conquest by the Roman Empire with the help of a druid who supplies them with a magic potion granting them supernatural strength. In the animated movie *Les 12 travaux d'Astérix* (1976), Julius Caesar was so exasperated by his countless failures at subjugation that he magnanimously challenged them to prove they were gods with twelve labours mirroring those of Hercules, which Astérix and Obélix took on.

One of these labours was to obtain Pass A38 from *La Maison Qui Rend Fou*, an office building with a mission to drive people insane. Anyone who shrugs this off as an administrative formality manifestly has never attempted to navigate a bureaucracy, a notion Astérix himself would quickly be disabused of. After hours of being driven upstairs and downstairs, left and right, seeking in vain to collect all the prerequisites to obtain Pass A38, Obélix was driven so mad that he literally ran out of his pants, leading Astérix to the realization that a change of strategy was in order.

So the companions went back to the second counter, where Astérix instead asked for Pass A39—not A38, A39—as announced in *memorandum* B65 which just came out and nobody had heard about. This compelled one clerk after another to ask around and navigate their own morass of a system, until everyone was driven crazy in turn and gathered cavorting downstairs in the *atrium*—everyone but the prefect they had met by chance at the entrance, who held Pass A38 all along.

Morale of the story? If you want to beat the house, don't just learn to navigate the system in order to stop it, turn the system

Chapter 4

Way of the cockroach

A nuclear war, if it comes, will not be won by the Americans. It will not be won by the Russians. And although it has been so ordained by Mao Tse-tung, it will not be won by the Chinese. The winner of World War III will be the cockroach.¹

1965 advertisement sponsored by the National
Committee for a Sane Nuclear Policy

I've got terrifying news for you: we are losing the war on cockroaches.

For starters, we are outnumbered, as the world cockroach population likely exceeds one trillion, compared to humanity's mere eight billion. They are among the most resilient lifeforms on this planet, enough to outlast us in the event of a nuclear winter.² They are notorious for crawling through the narrowest of crevices in search of food or shelter, and also for being among the most difficult household pests to exterminate. They evolve much faster than humans, to the point that the *Blattella germanica* species has emerged alongside human civilization just a couple thousand years ago, as it is absent from any natural habitat; moreover, it

¹"Len Sirowitz, Whose Bold, Offbeat Ads Captured an Era, Dies at 91" (The New York Times, 2024/03/13)

²"Will Cockroaches Inherit the Earth?" (Slate Magazine, 2008/07/08)

has already developed resistance to multiple pesticides.³ As if it weren't enough, cockroaches carry countless deadly foodborne pathogens like *Salmonella* and *Escherichia coli* which they spread onto unsuspecting humans.⁴ Billions of dollars a year are spent globally to combat the inexorable, as we're indeed continually losing ground to the invader.

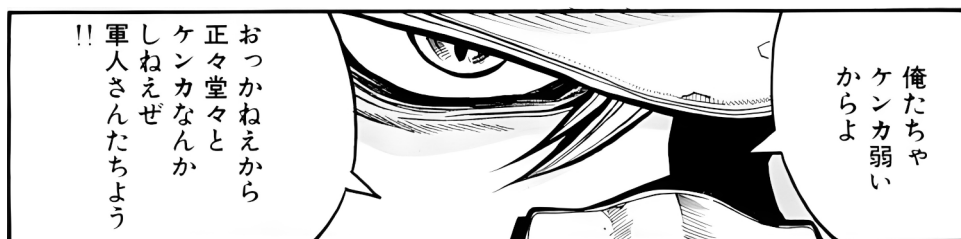
Were cockroaches to gain gestalt awareness and turn on humans all at once, we would be overrun instantly, as there is no ordnance in our arsenal which can counter this creeping doom. We would be eaten alive by the most disgustingly resilient swarm imaginable.

The same goes for lowly citizens versus their presumptuous governments. Common folks outnumber public servants by ratios comparable to the above example, and when they turn into angry mobs, governments fall overnight—even when the military is ordered to shoot the mob. When advocates rally crowds and activists spearhead insurrections with innovative tactics, entire countries' disgruntled populations can turn into unstoppable swarms. It's just a matter of connecting those virtual synapses together to take on the system as one coordinated entity.

This chapter takes inspiration from the humble cockroach in

³Q. Tang, E.L. Vargo, I. Ahmad, H. Jiang, Z.K. Varadínová, P. Dovih, D. Kim, T. Bourguignon, W. Booth, C. Schal, D.V. Mukha, F.E. Rheindt, & T.A. Evans, *Solving the 250-year-old mystery of the origin and global spread of the German cockroach, Blattella germanica*, Proc. Natl. Acad. Sci. U.S.A. 121 (22) e2401185121, <https://doi.org/10.1073/pnas.2401185121> (2024); Shao-Hung Lee, Dong-Hwan Choe, Michael K Rust, Chow-Yang Lee, *Reduced Susceptibility Towards Commercial Bait Insecticides in Field German Cockroach (Blattodea: Ectobiidae) Populations From California*, Journal of Economic Entomology, Volume 115, Issue 1, February 2022, Pages 259-265, <https://doi.org/10.1093/jee/toab244>

⁴Dongfen Geng, Haotian Yu and Teng Zhao et al. *The Medical Importance of Cockroaches as Vectors of Pathogens: Implications for Public Health*. Zoonoses. 2025. Vol. 5(1). DOI: 10.15212/ZOONOSSES-2024-0045



"Because we're weak in a fight. These soldiers are so fearsome, we won't fight them fair and square!!" Source: *Hellsing* tome 6, by Kouta Hirano (Shounen Gahousha, 2003). Used without permission under the fair dealing exemption of Canada's *Copyright Act*. If you believe your copyright is being violated, sue me.

order to teach you how to play dirty. We're going to study how to exploit the tiniest of loopholes and crawl under our targets' skin as we lead the charge against our tyrannical overlords. Fair warning: follow tactics so creepy that they will make you sick in the stomach and throw up its contents onto these pages. Trust me, the nausea will pass, and in the long run you will develop a taste for foul play, just like humans can overcome the initial distaste of eating fried bugs. Worse still, I promise you will come to enjoy gloating about it.

Asymmetric warfare

Fighting a larger, stronger, more advanced, or numerically superior enemy is called asymmetric warfare, and has been the object of extensive study since the dawn of civilization. The most famous example goes back to Antiquity, with the battle of Thermopylae in 480 BCE Greece, at which a force of three hundred highly disciplined Spartans held their ground for three days against the full might of Xerxes' Persian Empire, despite being outnumbered by three orders of magnitude. In modern History, the best examples might be Hernándo Cortés' conquistadors subjugating the Aztec

Empire at the Battle of Tenochtitlán in 1521 with small numbers but vastly superior weaponry and tactics (plus smallpox), or conversely the Battle of Isandlwana in January 1879, in which 20,000 Zulu warriors with little more than traditional battle gear overwhelmed a disciplined 1700-strong British force armed with rifles.

On a larger scale, I would like to draw your attention to the ongoing war in Ukraine, which started in February 2022 with Russia's ill-fated 'special military operation' meant to capture the Ukrainian capital in a matter of weeks.⁵ Yet four years on, against all expectations, the defenders hold their ground against a country many times their homeland's size, with a much larger population and more numerous fighting force, previously reputed for being the second most advanced military power on the planet;⁶ they even inflicted over a million casualties in the process.⁷ The Ukrainians' revolutionary tactics have almost broken the might of the Russian military, most notably by nearly wiping out the latter's modern tank fleet⁸ using aerial drones costing only a minuscule fraction of these,⁹ but also by crippling the enemy's energy infrastructure¹⁰ and depleting its treasury.¹¹ Analysts even anticipate the imminent collapse of the Russian Federation at this

⁵"Missiles rain down around Ukraine" (Reuters, 2025/02/25)

⁶"Ukraine has will, but Russia has might: How their military forces match up" (Canadian Broadcasting Corporation, 2022/02/26)

⁷"One million and counting: Russian casualties hit milestone in Ukraine war" (The Guardian, 2025/06/22)

⁸"Is Russia running out of weapons and manpower for its war in Ukraine?" (Al Jazeera, 2025/02/14)

⁹"A Thousand Snipers in the Sky: The New War in Ukraine" (The New York Times, 2025/03/03)

¹⁰"Ukraine's gloves are off in its energy war with Russia. How much can it increase the pressure?" (CNN, 2025/12/11)

¹¹"Russia's slowing wartime economy pushes Kremlin to increase taxes and fees" (Public Broadcasting Corporation, 2025/11/17)

rate of attrition,¹² which would make this invasion the single most disastrous military campaign in History, surpassing Napoleon's invasion of Russia in 1812.

So don't be intimidated by the government's size and resulting power imbalance; revel in it. To the cockroach, a larger enemy makes a bigger and juicer target with a lot more to lose and no means to defend everywhere nor predict the next raid. Take inspiration from guerilla tactics by engaging the enemy only on your own terms, by compensating for lack of strength with cunning, and by patiently waiting for it to make mistakes out of overconfidence or frustration.

The joy of indigence

When I tell acquaintances that I'm writing a book titled *How to break the law and get away with it*, their knee-jerk answer is to be rich. They have a point indeed, as the rich have a way to turn entire countries into lawless plutocracies; just look at Trump's America for the most disgusting example imaginable.¹³

But for the purpose of activism, I would rather be homeless and shit broke, because that means having no seizable income nor assets, therefore nothing to lose. Believe it or not, this appraisal forms the very basis of this chapter.

Indigence is a legal term for being unable to afford court fees. People receiving welfare or disability benefits are typically exempt from fees for legal filings, which might otherwise be ruinous. Also, the indigent are generally eligible for legal aid and are

¹²"The Collapse of Russia Has Just Begun" (National Security Journal, 2025/07/22)

¹³"Oligarchy in the open: What happens now as the U.S. is forced to confront its plutocracy problem?" (Harvard Kennedy School, 2025/02/13)

automatically assigned a defence attorney in criminal proceedings. While having no resources to fight a much larger opponent in court may seem an insurmountable handicap, the *McLibel* case which we discussed in Chapter 2 shows on the contrary that the larger party is the one with the more to lose; besides, note that the defendants in that case were not indigent, which indeed played against them since they nevertheless could not afford a lawyer.

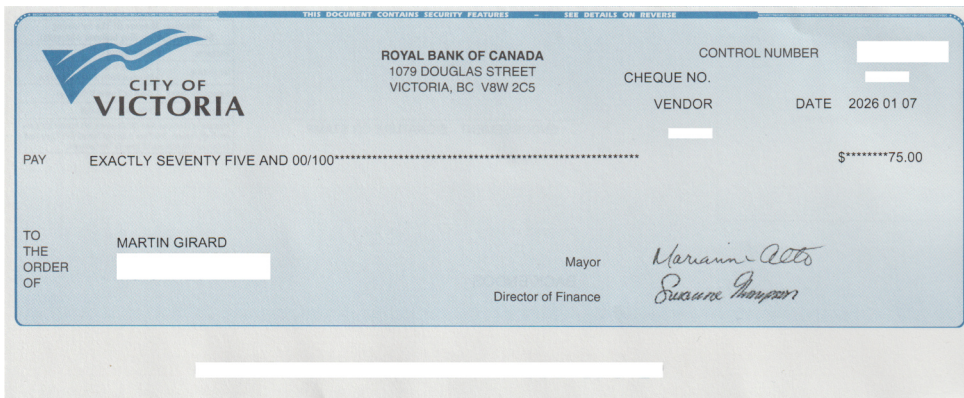
Naturally, few entities line up to sue indigent respondents who can navigate the legal system, because that's just not worth the expense. The litigation might cost them a fortune with the outcome ever uncertain, and even if they won, any award would have to be suspended due to inability to pay, and might even be altogether dischargeable with bankruptcy. While in principle the losing party pays the winning one's legal costs, there is ample precedent shielding poorer parties from this rule as long as their arguments aren't frivolous, such as the British Columbia Court of Appeal deciding as follows in *VANDU v. DVBIA* (mentioned in Chapter 1):

In the circumstances of this case, we conclude that it is appropriate for the parties to bear their own costs, both in this Court and in the court below. This litigation raised issues of general public interest, in which *VANDU* had no personal, proprietary, or pecuniary interest. The case involved difficult questions of first impression. It was not frivolous, abusive, or vexatious.

While we acknowledge that the resources of the *DVBIA* are limited, and that it is a not-for-profit organization, we have no doubt that it has the financial capacity to bear its own costs. We accept the submissions

of VANDU that an order for costs against it would leave it in difficult financial circumstances.¹⁴

Use this to your advantage by bullying parties which must bear their own costs and have everything to lose in a protracted legal battle. I've casually pulled it off in a dispute with the City of Victoria over \$75 in fees I'd paid for a Freedom of Information (FOI) request which was retroactively denied as an unreasonable invasion of privacy. I raised the issue of the fees by calling the decision a breach of contract and announced my intention to take it to the Civil Resolution Tribunal (CRT). The next day I was offered a 'courtesy' refund, which came as no surprise since fighting an indigent party over a paltry seventy-five bucks would have been financially absurd; besides, it had learned the hard way in an earlier dispute at the CRT that, barring exceptional circumstances, it could not recoup its legal fees even if it did win against a party that isn't indigent.¹⁵



Here's my Customer Appreciation Day certificate. Maybe I should have framed it instead of cashing it in.

¹⁴*Vancouver Area Network of Drug Users v. Downtown Vancouver Business Improvement Association*, 2018 BCCA 228 (CanLII) at para. 5-6

¹⁵*Ottosen v. City of Victoria*, 2023 BCCRT 149 (CanLII) at para. 24-26

Squatter's rights

To exemplify this, let's discuss squatter's rights, a term which might strike some of you as a hoax or an oxymoron—or an animated Disney movie produced in 1946—but is actually a genuine sphere of law, albeit a muddy area. Indeed, squatters have rights, and countless ways to abuse the system, sometimes leading to the most flabbergasting of outcomes.

For starters, did you know that it is possible to legally acquire someone else's land if the owner isn't paying attention? The term is *adverse possession*, which allows for an elegant solution to property abandonment, honouring a tradition going back to the Roman Empire. The conditions are fairly consistent from one jurisdiction to another, at least in Canada and the United States. The gist is that a property can be claimed after ten years (actual duration may vary) by a third party which diligently maintains it over that period. Basically, if you own a summer cottage in the countryside and leave it unattended over a long period, others may move in, and ultimately claim it as their own. No kidding.

There is extensive jurisprudence attesting to this right. My favourite case is that of a couple which effectively annexed land belonging to the city of Toronto in Ontario by building a fence around it, genuinely believing it was part of their own lot. The municipality belatedly claimed its property back and ordered the couple to vacate it. The couple first offered to buy the land but the city refused. They instead claimed adverse possession in a legal saga which concluded by the Supreme Court of Canada ruling in its favour in September 2025.¹⁶ Recent legislative amendments at the

¹⁶“Supreme Court of Canada sides with couple over disputed portion of their backyard” (The Canadian Press, 2025/09/19); see also *Kosicki v. Toronto (City)*, 2025 SCC 28 (CanLII)

provincial level have been enacted in response, to make adverse possession claims a lot more difficult; Alberta has abolished them altogether.¹⁷

Let's expand on this by analyzing what happens if the property is claimed back within the statutory period instead. Surely this becomes a plain case of criminal trespass, right? Not so fast. There is currently a wave of serial squatters whose solution to the housing and affordability crisis is to move into unoccupied homes and change the locks.¹⁸ By the time the homeowner notices and police intervenes, it's too late: the squatters produce a forged tenancy agreement—and why not government-issued ID while they're at it—to claim they're actually renting the property.

Of course anyone's knee-jerk objection would be that forging a lease agreement is crassly criminal. In principle though, the police calls it a civil matter and pulls out, typically referring plaintiffs to the local rental board, which of course denies jurisdiction since the crux of the dispute is that the occupants aren't actually tenants. Owners have to take their grievances to court and wait months or years for the fraudsters to exhaust every appeal since the court system moves at a snail's pace. By the time bailiffs show up to evict the squatters, they've moved on to their next target after living rent-free all this time. And even if the system were persistent enough to press charges by then, it may prove extremely challenging even for authorities to keep track of weasels moving from one jurisdiction to another without disclosing their next address.

In an extreme case captured on camera by reporters, a home-

¹⁷"Alberta says good riddance to archaic squatter's rights" (The Western Producer, 2023/02/09)

¹⁸"Why is it so hard to evict a serial squatter? We asked an attorney who's done it." (2023/09/18)

owner in Queens, New York was arrested for illegal eviction in March 2024 after a man who had moved into her property and changed the locks in February called the police on her for changing the locks back, claiming to have entered into a tenancy agreement with a landlord.¹⁹ In New York, squatters used to have rights after thirty days, and it was against the law to turn off the utilities, change the locks, or remove their belongings. Those protections were narrowed down to holdover tenants in April 2024 following this incident,²⁰ yet another example of civil disobedience resulting in a belated legislative amendment.

Of course the picture isn't always this clear cut. One problem is that, in the age of Craigslist and Airbnb, squatters may actually be good faith actors who have fallen for online rental scams,²¹ as a Baltimore family found out the hard way when it was confronted by a homeowner after they had moved into a home they believed to have legitimately rented from a landlord who had posted an ad on social media in May 2025.²²

Another issue is that many are otherwise homeless people with nowhere to go and nothing to lose,²³ such as a wheelchair-bound grandmother in British Columbia's Fraser Valley who went public in July 2023 over being reduced to squatting the basement of an empty house after being renovicted and unable to afford

¹⁹"Squatter standoff captured on camera in Queens | 7 On Your Side Investigates" (ABC News, 2024/04/18)

²⁰"New York Governor signs new squatter law after 7 On Your Side Investigation" (ABC News, 2024/04/23)

²¹"Scammed into squatting: Handyman has alarming warning for online house hunters" (FOX News, 2024/03/22)

²²"Man's Home Sale Falls Through After Alleged Squatters Move in Night Before" (Newsweek, 2025/06/03)

²³"Guardian Focus podcast: squatters' rights" (The Guardian, 2011/10/06)

rent anywhere.²⁴ This partly explains why the police is loathe to arrest squatters and instead leaves such matters for civil courts—or legislatures—to sort out.

Considering the hassle and expense of suing to evict squatters and overstaying tenants, plus the excruciating delays in hearing complaints, it is understandable that many owners end up paying squatters to vacate their property, in what's commonly referred to as 'cash-for-keys' settlements.²⁵ One such case was that of a first-time homebuyer in Guelph, Ontario, who agreed to pay each squatting resident thousands of dollars to vacate his house within a month, nearly a year after purchasing it.²⁶ The deal was finalized days ahead of a Landlord Tenant Board (LTB) hearing whose outcome would likely have been unfavourable anyway since the squatters weren't overstaying tenants, and would not have been final even if successful.

And if you think any of these is the worst case scenario, think again. In December 2025, an Altadena homeowner has threatened to sue the California Department of Fish and Wildlife for negligence, after it gave up on evicting a black bear squatting his basement for the winter;²⁷ ultimately, volunteers with the BEAR League, a nonprofit based in Lake Tahoe, chased out the bear in roughly 10 minutes using paintball guns...²⁸ only for it to find

²⁴ "I feel like a criminal: Why a woman with a disability is squatting in a vacant home" (Fraser Valley Current, 2023/07/18)

²⁵ "Cash for keys: Some tenants who face eviction demand thousands from landlords amid tribunal delays" (Canadian Broadcasting Corporation, 2024/01/17)

²⁶ "Nearly a year later, first-time homebuyer pays squatters to leave" (Orillia-Matters, 2024/07/02)

²⁷ "Altadena homeowner threatens to sue over bear that won't leave his home" (KTLA 5 News, 2025/12/28)

²⁸ "Large black bear finally 'evicted' from Southern California home" (KTLA 5 News, 2026/01/08)

refuge beneath another house half a mile away.²⁹ At least human squatters can be sued; just try suing a black bear instead, or getting a bailiff to enforce an eviction order against it.

Occupy Homes

By now you may be wondering what this chapter's link to activism is. I'm getting to that, starting with a movement to counter the wave of foreclosures that followed the 2008 financial crisis and drove millions of Americans out of their homes after falling victim to predatory subprime lending.

Inspired by Occupy Wall Street, activists formed groups such as Occupy Our Homes whose bargaining tactic was to occupy homes that had been foreclosed by banks, in order to prevent their occupants' eviction and compel mortgage modification as alternatives to eviction. This was squatting on steroids, with dozens of protesters either camping on the lawns or occupying the homes proper.³⁰ I've shown in the previous section just how difficult it could be for a homeowner to evict overstaying residents; now imagine those big banks having to evict dozens of John and Jane Does on top of that. Honestly, I would rather deal with the basement-squatting black bear; at least the bear can't sue me back for illegal eviction.

One battleground was the property of Bobby Hull, a former Marine who could no longer afford his Minneapolis home after health issues impaired his ability to work in 2009. Hull was set to be evicted in February 2012 after Bank of America foreclosed

²⁹ "Bear takes up residence under another Los Angeles County home" (KTLA 5 News, 2026/01/12)

³⁰ "Occupy Our Homes Campaign Launches Against Foreclosures Indoors" (ABC News, 2011/12/07)

his home, but 75 Occupy Minneapolis protesters intervened in December 2011, bringing with them a "Foreclosure Free Zone" banner which emboldened the embattled resident to stand his ground.³¹ Fearing escalation, Bank of America offered Hull a mortgage modification which allowed him to remain in his home.³²

Also in Minneapolis in the same period, the movement successfully defended the home of Monique White from U.S. Bank after she fell behind on her own mortgage payments in 2009. Thirty Occupy Minneapolis protesters stepped in—quite literally, as in camping in her living room and kitchen, soon even spilling out on her lawn.³³ What complicated matters in this case is that the house had just been sold to government-backed mortgage company Freddie Mac, which meant White had to negotiate with two financial institutions amid uncertainty over the status of the sale. It would seem the sale fell through as a result, since U.S. Bank offered to modify her mortgage, days after an address she gave in April 2012 to the bank's annual shareholder meeting, before two thousand in attendance, appealing to the CEO to help her stay in her home.³⁴ She reported thinking at the time: *Yeah, they have more money than me, but they're no different and no better than me.*

Did you really think that we'd sunken to the worst possible lows earlier with 'cash-for-keys' settlements paying overstaying tenants to leave?³⁵ Those financial institutions instead forgave large portions of overstaying residents' mortgages, effectively

³¹"75 rally for man who faces loss of house" (The Minnesota Tribune, 2011/12/12)

³²"Bobby Hull, Former Marine In Foreclosure, Wins Mortgage Modification With Occupy Help" (The Huffington Post, 2012/02/27)

³³"Occupy Wall Street Groups Protest Foreclosure, Try To Halt Evictions" (The Huffington Post, 2011/11/16)

³⁴"Monique White May Win Back Foreclosed Home With Occupy's Help" (The Huffington Post, 2012/05/07)

³⁵"Cash For Keys" (NBC News, 2011/02/11)

paying them to stay in their homes, because they had even more to lose by pressing for eviction via the judicial system against the will of the mob. Not bad for swarms of cockroaches pitting themselves against Wall Street loan sharks and bloodsucking lawyers.

Tenant solidarity

By the way, this kind of tactic has also been used in response to illegal tenant evictions. In December 2023, Toronto's York South-Weston Tenant Association intervened when a landlord illegally locked a tenant out who had just been evicted without getting notice of an LTB hearing.³⁶ The association staged a sit-in at the landlord's office which lasted four days, during which the police declined to remove the protesters, asserting only its role to keep the peace. As for the tenant, she was able to return to her apartment during the standoff, under close guard by neighbours. The landlord yielded and allowed her back in, pending an expedited LTB hearing, no doubt apprehensive of having to evict an overstaying tenant amid widespread opposition. The union seized the opportunity to call for rent controls, which would decrease the incentive for such sneaky eviction attempts.

This wasn't by any means the York South-Weston Tenant Association's only instance of hard bargaining. In October 2024, tenants of multiple buildings concluded a sixteen-month rent strike after reaching an agreement with the landlord over above guideline rent increases allowed under Ontario's 2018 rent control rollback.³⁷ During that period, tenants withheld the rent, daring the

³⁶"Lawrence Avenue West apartment complex tenants stage sit-in over an alleged 'illegal' eviction of a tenant" (The Toronto Star, 2023/12/17)

³⁷"Sweeping rent strike in York South-Weston comes to an end after both sides reach settlement" (The Toronto Star, 2024/10/31)

landlord to evict them all. I've already shown the difficulty of evicting even one overstaying tenant; imagine hundreds of them.

In August 2024, the LTB put an end to the dispute by ordering both the tenants to pay due rent and the landlord to perform overdue repairs. Tenants declared victory in this regard, as they'd won major concessions given the buildings' state of disrepair and pest infestations. Naturally, the adjudicator overseeing the case begged to differ:

The stories published by the media involving my order on August 1, 2024 do a disservice to tenants in this Province by suggesting to them that rent strikes work and are worth what appears to have been described by the Canadian Press as the 'gamble'. While a rent strike may put (temporary) economic pressure on a landlord, it also exposes the tenants to the very real risk of being evicted, and their credit ratings and ability to find new rental accommodations will be adversely impacted. Rent strikes are not worth the 'gamble' and the focus of tenants faced with landlords who are not complying with the *RTA* should be on exercising their rights under the *RTA* and not risking their housing by engaging in rent strikes.³⁸

This politically correct opinion notwithstanding, I've never heard of a rent strike resulting in such severe adverse effects to tenants, so I'm siding with the Canadian Press on this one.

³⁸*Limbada et al v 2491364 Ontario Inc*, 2024 ONLTB 74668 (CanLII); see also "How a group of Toronto tenants turned to a risky last resort and got a 'huge victory'" (The Canadian Press, 2024/09/20)

Chrissy Brett

I would like to dedicate this section to a relentless champion of squatter's rights, the right to housing, and indigenous rights,³⁹ by honouring the memory of Chrissy Brett, who died in July 2022 after setting more tent cities for the homeless than I can count,⁴⁰ across the Greater Victoria Area and Vancouver. Rarely have I seen such a staunch activist, both beloved of advocates yet reviled by the general public, for coming up with sites from which fellow unhoused folks would be difficult to uproot, or if one attempt failed then hop onto the next site before the authorities were done clearing the previous one.

Really, I cannot come up with an exhaustive list of sites where she and her troupe pitched their tents, for she might have taken the list to the grave. The media report many between 2015 to 2020,

³⁹"An Open Letter: Homelessness, Not Tent Cities, Is the Real Health and Safety Risk" (The Tyee, 2018/08/17)

⁴⁰"Chrissy Brett remembered as a tireless advocate for homeless people, Indigenous rights" (Canadian Broadcasting Corporation, 2022/07/19)



Captured in September 2023 at Chrissy Brett's second Memorial Walk for Justice in Victoria, British Columbia. Commemorative events have been held every year since 2022.

such as those of Victoria's courthouse grounds,⁴¹ Oak Bay City Hall,⁴² Willows Park,⁴³ Regina Park,⁴⁴ Ravine Way,⁴⁵ Goldstream Provincial Park,⁴⁶ West Saanich Road,⁴⁷ Cattle Point in Oak Bay,⁴⁸ Oppenheimer Park,⁴⁹ CRAB Park,⁵⁰ and Strathcona Park;⁵¹ even the media struggled to keep up. Wherever she went, controversy, and the police, followed; she even got arrested in July 2018 in Regina Park for obstructing authorities⁵² and again in June 2020 for violating an injunction.⁵³

For the purpose of this chapter, I would like to focus on the Victoria courthouse encampment (mentioned in Chapter 3), because

⁴¹"Shut down of Victoria homeless camp puts spotlight on poverty, activist says" (Canadian Broadcasting Corporation, 2016/08/07)

⁴²"A "Tent City" just arrived in Oak Bay" (Victoria Buzz, 2017/10/11)

⁴³"Homeless B.C. nomads pitch tents at tony Oak Bay park after week at city hall" (The Canadian Observer, 2017/10/19)

⁴⁴"Tent city in Saanich's Regina Park won't end soon" (Saanich News, 2018/06/18), "Return to Regina Park: Members of tent city met by concerned neighbours" (Victoria News, 2018/11/02); see also *Saanich (District) v Brett*, 2018 BCSC 1648 (CanLII)

⁴⁵"Police surround Saanich's new tent city to enforce order to vacate" (Times Colonist, 2018/09/18)

⁴⁶"Provincial park ordered closed after homeless campers move in" (Canadian Broadcasting Corporation, 2018/09/20)

⁴⁷"They just kept on coming': Saanich homeless camp sets up on private property" (Canadian Broadcasting Corporation, 2018/10/04)

⁴⁸"Police tape surrounds Oak Bay tent city as campers pack up" (CHEK News, 2018/10/19)

⁴⁹"One year later, meet the people still living in Oppenheimer Park" (Vancouver Is Awesome, 2019/10/15)

⁵⁰"Homeless people explain decision to camp by CRAB Park as they prepare to fight port authority injunction" (Canadian Broadcasting Corporation, 2020/06/02)

⁵¹"As Vancouver tent city expands, some neighbours voice support for campers' demands" (Canadian Broadcasting Corporation, 2020/07/04)

⁵²"Arrest made at Victoria's tent city after fire officials blocked from entering" (Vancouver Island Free Daily, 2018/07/06)

⁵³"Vancouver police arrest 46 people for refusing to leave CRAB Park tent city" (Global News, 2020/06/17); see also *Vancouver Fraser Port Authority v Brett*, 2020 BCSC 1368 (CanLII)

it devolved into a legal showdown due to being located on Crown land, beyond the reach of municipal bylaws, hence local law enforcement. The tent city was set up in November 2016 on the green space near the courthouse, to the consternation of neighbours who quickly lamented that incidents surrounding drug use were migrating to their area, but courthouse security only asserted its prerogative as far as the facility proper, which left no one legally able to carry out an eviction of this magnitude.⁵⁴

The campers dug in, invoking their own prerogative under Article 7 of the *Charter*, and making their primary demand to be housed amid acute affordable housing and accessible shelter space shortages. Thus began the legal battle between the provincial government and dozens of indigent respondents, including Brett; they received *pro bono* help from a pair of local lawyers while the Together Against Poverty Society agreed to cover a portion of related material costs.

At a March 2016 hearing, the province sought an injunction to remove the encampment from its premises, describing it as a public nuisance and a fire hazard. Unfortunately for the plaintiffs, however, the judge hearing the complaint had a history of ruling in favour of encampment residents,⁵⁵ and unsurprisingly declined to grant its request. His decision, which he issued the next month, rejected the province's claims,⁵⁶ starting with that of irreparable harm should the injunction be declined as follows:

⁵⁴“Legal loophole: Tent city springs up on Victoria courthouse lawn” (CTV News, 2015/11/23)

⁵⁵“Abbotsford homeless win in B.C. Supreme Court” (Canadian Broadcasting Corporation, 2015/10/21); see also *Abbotsford (City) v. Shantz*, 2015 BCSC 1909 (CanLII)

⁵⁶“Tent city at Victoria courthouse can stay for now, judge rules” (Times Colonist, 2016/04/05); see also *British Columbia v. Adamson*, 2016 BCSC 584 (CanLII)

The plaintiffs permitted the Encampment to exist for many months before seeking injunctive relief. The expenses detailed above can all be quantified. While I accept without reservation the reality that the expenses will almost certainly be unrecoverable from the defendants, I note that the Supreme Court of Canada remarked in *RJR-MacDonald*⁵⁷ that one party's impecuniosity does not automatically decide the application in the opposing party's favour. The fact remains that most of the damages alleged by the plaintiffs have already crystallized. Any further costs or damage that would be occasioned by the ongoing presence of the Encampment would, as I will discuss below, simply take place somewhere else in the City or Victoria if the injunction sought were issued.

The core argument supporting the decision, however, was the lack of shelter options for the defendants, which took precedence over lesser concerns such as loss of enjoyment of green space or the impact on the neighbourhood. The judge also considered claims related to health and safety of the defendants reduced to living in squalid conditions, only to find once again that granting the injunction would only move the problem elsewhere, while in contrast that conceding the community one large space to gather made the defendants feel safer. He was more receptive to the fire hazard, but dismissed it on the grounds that encampment residents were working with fire services in mitigating them.

Pivotal to the decision was Brett's affidavit pertaining to life at the "SuperIntent City" (SIC), which is partially quoted in the

⁵⁷*RJR-MacDonald Inc. v. Canada (Attorney General)*, 1994 CanLII 117 (SCC), [1994] 1 SCR 311

decision so I reproduce it *verbatim*:

Ms. Brett's evidence shows that, by and large, the residents of the Encampment have not been hostile with local authorities. Rather, through the informal leadership structure they have developed, they have attempted to build bridges with the Victoria Police Department, Victoria Fire Department, and other service providers. They have made efforts to respond to the legitimate concerns of those authorities. Ms. Brett attested that:

3. I have created protocol with government officials to ensure the integrity and self-governance for and by the residents of SIC over the affairs of their daily lives. I have a good working relationship with members of the Victoria Police Department ("VicPD"), the Victoria Fire Department ("VFD"), the Ministry of Children and Families ("MCFD"), and Island Health Authority ("Island Health"). We all work together to address the issues faced by the residents of SIC. These agencies have agreed to deal with SIC through senior, experienced, designated employees, who have been able to build positive working relationships with some of the residents. This has been an enormously important experience for SIC residents who invariably have had, in their past, very significant conflicts with those in authority.

...

13. Local authorities from the fire department came to SIC after we lit the sacred fire. Staff and members of the local Victoria Fire Department (VFD) have always been friendly and cooperative with camp protocols and

over the course of the encampment were seen to be keenly aware of the struggles of the homeless residents. They asked for a permit and as the fire is a sacred tradition I advised that we would not be seeking a permit. The staff of the VFD then permitted the sacred fire to continue unhindered. We kept a schedule of firewatchers and made every effort to ensure safety around fire concerns.

14. On or about January 8, 2016, VFD about the warming fire. I told the VFD representative that it was important that we have a fire at that time to keep people warm, and provide them with something warm to drink. In response to the concerns raised, however, we reduced the size of the warming barrel by half.

As long as the encampment leadership worked with local authorities, they would get the backing of the judiciary. This forced the province to find housing for the encampment residents after all. That being said, the decision had left open the door to another application for injunctive relief should conditions on the ground deteriorate, and the province did so again, arguing among other concerns that overcrowding at the swelling encampment had made the fire hazard untenable.⁵⁸ This proved the main decisive factor in granting the injunction this time, followed by the entrenchment of criminal activity which made the encampment unsafe for both residents and neighbours. The tent city was to be dismantled by August 2016, whether or not the defendants had been offered housing by then.⁵⁹

⁵⁸"Victoria homeless camp injunction sought after fire hazard inspection" (The Canadian Press, 2016/05/27)

⁵⁹"Judge orders end to tent city by Aug. 8" (Times Colonist, 2016/07/05); see also *British Columbia v. Adamson*, 2016 BCSC 1245 (CanLII)

According to the government, three hundred residents had been offered affordable housing, including a hundred which moved into a newly renovated building⁶⁰ that would later become notorious for its decrepitude and perpetual cockroach infestation⁶¹ but nevertheless constituted a huge improvement over sheltering outdoors. The province ended up spending three million dollars in legal expenses and cleanup costs, to say nothing of what it invested to convert facilities into supportive housing.⁶² The government learned its lesson: early, client-centered intervention should take precedence over costly court battles and evictions, the latter which in contrast merely move the problem around.⁶³

In the end the encampment residents' dirty tactics prevailed, in spite of their court loss. And they owe their victory to strong leadership under Brett, which put together a sound legal strategy, reached out to civil rights advocates and lawyers, opened diplomatic channels with the police and fire departments, and pleaded its case to the media, going as far as building a website chronicling life in a domestic refugee camp.⁶⁴ As for the angry neighbours, rallied under the Mad As Hell collective,⁶⁵ their consolation prize was a campground on the courthouse's green,⁶⁶ which would inspire a

⁶⁰ "Homeless campsite outside Victoria courthouse shut down and fenced off after inhabitants offered homes" (National Post, 2016/08/12)

⁶¹ "'It's disgusting in there:' Life in the building that replaced Victoria's tent city" (Canadian Broadcasting Corporation, 2019/11/25), "'Humanitarian crisis': Resident of 844 Johnson Street speaks out about living conditions" (CHEK News, 2025/01/28)

⁶² "Province spent \$3M on Victoria tent city court costs and clean up" (Times Colonist, 2017/08/03)

⁶³ "B.C. Housing Minister reflects on lessons from Victoria tent city" (The Globe and Mail, 2016/12/27)

⁶⁴ Blog still accessible at the following URL: <https://intentcity.ca/>

⁶⁵ "'Lawlessness in Lotusland': Group 'mad as hell' over massive tent city in Victoria" (National Post, 2016/04/06)

⁶⁶ "Playground planned at former site of Victoria tent city" (Canadian Broadcasting Corporation, 2016/11/02)

future iteration of the Victoria municipal council to build such an improvement wherever the homeless set up camp.

The necessity defence

So far this chapter has dealt mostly with civil matters. In this section I would like to shift the focus to criminal acts of civil disobedience with the necessity defence, which has been invoked time and again in court cases by defendants who broke the law and defied court orders in desperate attempts to influence public policy.

The defence has been successfully pleaded in criminal trials across the globe. The Supreme Court of Canada itself has explicitly acknowledged it in 1984 when it upheld the British Columbia Court of Appeal decision to grant cannabis smugglers a new trial over the trial judge's decision not to allow the defence that the defendants, initially headed for Alaska, were forced to seek refuge on the Canadian shoreline to make lifesaving repairs amid severe weather conditions:

Conceptualized as an “excuse”, however, the residual defence of necessity is, in my view, much less open to criticism. It rests on a realistic assessment of human weakness, recognizing that a liberal and humane criminal law cannot hold people to the strict obedience of laws in emergency situations where normal human instincts, whether of self-preservation or of altruism, overwhelmingly impel disobedience. The objectivity of the criminal law is preserved; such acts are still wrongful, but in the circumstances they are excusable.⁶⁷

⁶⁷*Perka v. The Queen*, 1984 CanLII 23 (SCC), [1984] 2 SCR 232

That being said, Canadian courts haven't been sympathetic to this defence, and it has rarely been successful. It was notably denied to Robert Latimer by the Supreme Court of Canada in 2001 as he sought to justify the mercy killing of his severely disabled daughter. In its decision, the court set forth the following criteria to be met:

The defence of necessity is narrow and of limited application in criminal law. The accused must establish the existence of the three elements of the defence. First, there is the requirement of imminent peril or danger. Second, the accused must have had no reasonable legal alternative to the course of action he or she undertook. Third, there must be proportionality between the harm inflicted and the harm avoided.⁶⁸

Environmental activists have persistently invoked the necessity defence, especially pertaining to climate change, arguing that the looming menace of global environment disasters indeed constitute imminent peril to humankind and that there were no reasonable legal recourse. This defence has been successful in multiple cases in the United Kingdom, for instance in 1999 by Greenpeace activists accused of destroying genetically modified corn crops;⁶⁹ once again by Greenpeace activists cleared of wrongdoing by a jury after scaling a 200-metre chimney at a power station in October 2007 in an attempt to shut the station down;⁷⁰ and in 2019 by Extinction Rebellion activists for spraying "Divest from oil and gas"

⁶⁸*R. v. Latimer*, 2001 SCC 1 (CanLII), [2001] 1 SCR 3

⁶⁹"Greenpeace wins key GM case" (The Guardian, 1999/09/21)

⁷⁰"Not guilty: the Greenpeace activists who used climate change as a legal defence" (The Guardian, 2008/09/11)

on the walls of Kings College London.⁷¹ British juries have indeed been sympathetic to this defence, even when instructed to ignore it, in blatant examples of jury nullification (see Chapter 2).

In contrast, Canadian courts have shown utter hostility toward its application to direct action. The British Columbia Court of Appeal in particular has eviscerated it when it rejected the appeal of Trans Mountain Pipeline protesters for defying a court injunction in March 2018, stating the trial judge did not err when he stated there was no “air of reality” to the defence of necessity:⁷²

A significant impediment to application of the necessity defence in the context of planned protest activity, which was the case here, is the deliberate nature of the conduct that grounds the offence. Theoretically, and factually, it is difficult to reconcile this type of conduct with the fundamental premise underlying the defence, namely, that it excuses wrongfulness only for those “who, although morally blameworthy, acted in a morally involuntary manner” [...]

Overall, the courts have rejected the environmental activists’ arguments mostly for two reasons: the defendants’ actions, while morally justifiable, rested on remote and speculative eventualities irrespective of scientific evidence, and they had not exhausted their legal recourse, including swaying public opinion by less disruptive means. This is of course to be expected, since the courts

⁷¹“Extinction Rebellion founder cleared of vandalism in landmark case after arguing climate change justification” (The Independent, 2019/05/10)

⁷²*Trans Mountain Pipeline ULC v. Mivasair*, 2020 BCCA 255 (CanLII); see also “Facing jail over Trans Mountain protest, this lawyer asks court to consider what ‘no one wants to talk about’” (The Canadian Observer, 2019/02/17), *Trans Mountain Pipeline ULC v Mivasair*, 2018 BCSC 874 (CanLII)

may indeed never condone violations the law, and will only excuse them in the last extremity.

I would not give up on the defence of necessity altogether, though. I argue, within the scope of this chapter, that it would likely succeed if applied to a different category of causes such as drug policy, for which the peril is demonstrably immediate given the current state of emergency invoked by British Columbia over the opioid overdose crisis, having killed thousands of people over the years (see Chapter 1).

In fact, I was prepared to invoke the defence of necessity myself should I get arrested for standing my ground after setting up a homeless encampment right by Victoria City Hall in December 2024 (see Chapter 3). Indeed the homeless face life-threatening perils while their right to shelter from the elements is being violated, and legal recourse via the courts is prohibitively slow; even a request for an emergency injunction may take a month to be heard and another month to be decided. Remember that one of the petitioners for the judicial review of the *Parks Regulation By-law* died within weeks of the filing, months ahead of the hearing, without any plausible legal recourse. Furthermore, I had already persuaded the BC Human Rights Tribunal to fast track two complaints filed on behalf of homeless clients who had asserted their genuine belief that they would not survive until the hearing at this rate.

It is my conviction that Canadian courts could be made to revise their stance should they be presented with persuasive cases invoking Article 7 of the *Charter*, even in the absence of standing, when the threat to someone's life, safety, and security is undeniable, such that it can occur so suddenly that seeking redress via the legal system is an unrealistic prospect. And there can be no

more convincing defendants in this regard than the indigent, who face nearly insurmountable barriers in accessing the legal system to begin with. The necessity defence deserves another chance; it's just begging for the right cockroach to invoke it in the right case.

Chapter 5

Knowledge is power

There's a war out there, old friend. A world war. And it's not about who's got the most bullets. It's about who controls the information. What we see and hear, how we work, what we think... it's all about the information!

Sneakers (1992)

I've got news for you: fellow activists don't follow the news nearly enough.

I spent three years as a citizen journalist reporting on protests and social causes, during which I was continually asked by readers how I 'found' these hundreds of protests to begin with; they systematically frowned when I told them my primary source of tips was news articles from local media outlets. I came to realize that many advocates and activists don't read the news at all, or snub mainstream media in favour of alternative outlets and fringe literature. In contrast, I discipline myself to read and watch the news at least one hour every day, and so should the rest of you if you're serious about taking on the system, because it's impossible to prevail in the court of public opinion without leaving the comfort of the activist media bubble.

Intelligence gathering and public relations are the government's greatest assets in controlling the mob, not its military or paramilitary forces and arsenals, nor its gilded institutions and

convoluted bureaucracy. In fictional depictions of dystopias, from classics like *We* by Yevgeny Zamyatin and *1984* by George Orwell to contemporary works like *Little Brother* by Cory Doctorow, British graphic novel *V for Vendetta*, and the Japanese animated series *Psycho-Pass*, the one dominant theme is mass surveillance and media control; the inspiration behind those works goes all the way back to the panopticon prison design as proposed by British philosopher Jeremy Bentham in the 18th century.

At the forefront of civil rights advocates' concerns is the government's propensity toward mass surveillance, from warrantless digital device searches at the border to tracking of motorists with traffic monitoring cameras. In the United States, one of the worst scandals to befall the government was Edward Snowden's revelations of a massive domestic surveillance program conducted in secret by the National Security Agency (NSA) (see Chapter 7); another was the Federal Bureau of Investigation (FBI) enabling its director J. Edgar Hoover to blackmail countless influential figures, including of course public officials and activists, for political purposes.

The US Constitution's Fourth Amendment, which prohibits unreasonable searches and seizures, has been invoked to counter this phenomenon, in cases such as *Carpenter v. United States* in which the Supreme Court held in 2018 that tracking cell phone locations requires a warrant.¹ This decision forms the basis of a complaint filed by the Electronic Frontier Foundation (EFF) and the American Civil Liberties Union (ACLU) at the Superior Court of California against the city of San Jose's deeply invasive practice of storing scanned license plates using traffic enforcement cameras

¹"The Supreme Court Just Greatly Strengthened Digital Privacy" (Wired, 2018/06/22); see also *Carpenter v. United States*, 585 U.S. 296 (2018)

into a database, in order to track motorists' movements.²

Governments need no more to build cases against activists attending protests or observing law enforcement officials. Recent civil rights derives in the United States have sparked conversations about minimizing one's digital trail and facial exposure among protesters mindful of retaliation by the state,³ whether for offences pertaining to political activity or for whatever bogus felony virtually everyone is guilty of (remember Chapter 1).

This shows both the menace of surveillance and the importance of covering one's own data trail. Yet most activists jump into the fray oblivious to how little they know about their targets, and contrastingly to how much the government knows about them. For a model, let's have a look back at Palestine Action, which we've discussed in Chapter 2. The organization published a manual outlining its *modus operandi*, which mostly entailed researching future hits in detail.⁴ Even though the manual only skims the surface of the topic, it is clear that strike teams didn't just barge in with sledgehammers, but instead carefully planned each operation for maximum effectiveness. Conversely, the organization went to great lengths to minimize its own exposure by preventing information leaks to the government, going as far as operating in cells so the entire network wouldn't be compromised in the event some of its operatives were captured.

In the era of mass communications, ignorance is no excuse. This chapter shows how to tap into every information source at our disposal to gain an edge against our foes. While you may pre-

²"Lawsuit alleges San Jose license plate readers violate privacy rights" (San Jose Spotlight, 2025/11/20)

³"How to Protest Safely in the Age of Surveillance" (Wired, 2026/01/08)

⁴See document titled *Palestine Action: The Underground Manual* for details, currently available at the following URL: <https://targetmap.org/manual.pdf>

sume that lowly activists cannot compete with governments' and corporations' intelligence gathering resources, I'll show you that invasiveness works both ways, as no government nor corporation can compete with crowdsourced research and surveillance by persistent actors like investigative journalists, civil rights advocates, and fact-checkers.

Know your enemy

Names, addresses, next of kin, of the whole Cabinet. They know more about us than our own mothers do.

Michael Collins (1996)

I've just mentioned Hoover's secret files, which allowed him to control American politics for decades. Some might presume, given his legend, that no humble human being can rival that kind of power. What if I told you it worked both ways? It turned out the Mafia had a file on him too, and used it to blackmail him in turn, to the point that he would deny organized crime's existence altogether.⁵ They had a lot of dirt on him indeed, including evidence of homosexual activity and cross-dressing at a time society didn't look upon these kindly. So tell me again that the mob cannot beat the intelligence community at its own game.

Public figures, especially public officials, are most susceptible to scandal. Take for example former Canadian Prime Minister Justin Trudeau, who in 2019 got hit with allegations of crass racism after pictures and videos surfaced of him performing den-

⁵Summers, Anthony. *Official and Confidential: The Secret Life of J. Edgar Hoover*. Putnam, 1993.

igrating skits in blackface makeup.⁶ Think of American President Donald J. Trump, who one day woke up deluged by evidence he was intimately involved with notorious pedophile and sex trafficker Jeffrey Epstein, and has since been unable to shake off the controversy.⁷ Or spicier still, remember former Italian Prime Minister Silvio Berlusconi, infamous for his 'bunga bunga' sex parties involving minors and prostitutes, so decadent that they would make Epstein blush.⁸

Previous chapters have illustrated the importance of pleading one's case in the court of public opinion, and also of building up a campaign with a legal and political strategy. In order to keep the system accountable, however, one needs material to incriminate it. The most effective advocacy campaigns are the best documented ones, so brush up your researching skills already. Take inspiration from this very book, its text littered with hundreds of references from publicly available sources backing up even the most preposterous among its claims, and also from the work of investigative journalists who painstakingly compiled these many reports in the first place. Furthermore, observe that many developments cited in this book occurred in late 2025 or early 2026; that's because I merely stumbled upon them casually reading the news while drafting this work, I didn't even have to dig them up—and neither will you if you just keep your two eyes open.

Learn from the police as well, which spends most of its time and resources diligently monitoring suspects—including of course activists—and meticulously gathering evidence, enforce-

⁶"Trudeau photos force conversations about racism, history of blackface, experts say" (Canadian Broadcasting Corporation, 2019/09/20)

⁷"Jeffrey Epstein and Donald Trump: a timeline" (Canadian Broadcasting Corporation, 2025/08/08)

⁸"Silvio Berlusconi Died. But for Her, the 'Bunga Bunga' Scandal Lives On." (The New York Times, 2024/10/13)

ment proper often the result of months- or years-long investigations, and not just due to lack of resources but because it avoids compromising cases or wasting opportunities by being impatient and careless. Certain police departments, such as of course the New York Police Department (NYPD) and the Greater London's Metropolitan Police Service (MPS), have had entire divisions dedicated to state surveillance of innocent actors' political activism.⁹ Even here in Canada, the RCMP hired a private firm to spy on Fairy Creek protesters' online activities,¹⁰ while an Amnesty International report details the police force's surveillance of indigenous Wet'suwet'en land defenders involved in Coastal Gaslink protests.¹¹ I bet the cops even know what we activists eat for breakfast; to beat the system at its own game, we have to find out what public officials eat for breakfast too.

Fact-checking and disinformation

Before I cover detective work, allow me to state that your first stop should be news outlets, because if you're going after a notable target, odds are journalists have already done your homework and they were much better at it than you are. So even before looking up a name on a search engine, do it on a news aggregator instead.

There's a twofold quandary with this approach vector though: not all sources are equal, and even the better ones aren't completely reliable. We live in the era of fake news, deep fakes,

⁹"Docs show NYPD infiltrated liberal groups" (CBS News, 2012/03/23); "Special Demonstration Squad: unit which vanished into undercover world" (The Guardian, 2014/07/24)

¹⁰"RCMP hired private spies to monitor Fairy Creek activists" (Canada's National Observer, 2024/08/09)

¹¹*'Removed from our land for defending it': Criminalization, Intimidation and Harassment of Wet'suwet'en Land Defenders*, published by Amnesty International

tabloids gaining respectability, corporate-sponsored propaganda, astroturfing, AI-generated clickbait, and state-sponsored troll farms—plus satirical news sites like The Onion and The Beaverton looking so polished that it's a wonder no dimwit sued them already.¹² Even a reputable outlet performing due diligence may get it wrong, as in the case of the Rolling Stone Magazine which faced multiple million-dollar lawsuits for libel over a piece in which a woman wrongfully claimed to have been gang-raped on the University of Virginia's campus;¹³ her story was actually borrowed from a *Law & Order: SVU* episode.¹⁴

So you have to perform due diligence yourself instead of swallowing everything you read. Observe from this book's footnotes that for the Rolling Stone Magazine allegations alone I read multiple news articles, looked up the *Law & Order: SVU* episode on IMDb, and dug up the court of appeals decision for one of the court cases, even though the story had already been fact-checked *ad nauseam*. And you better turn that practice into an autonomic reflex if you intend to smear private parties, as I did when I publicly accused several We Unify speakers of being notorious transphobes (see Chapter 2); otherwise you might end up on the wrong end of a defamation lawsuit as well. On the flip side, public officials and entities are fair game, as the government cannot sue for defamation,

¹² "All the Times People Were Fooled by The Onion" (ABC News, 2015/01/01), "Time magazine quotes Canadian satirical website The Beaverton" (CTV News, 2025/11/30)

¹³ "Fraternity Members' Defamation Case Against 'Rolling Stone' Can Proceed, Court Says" (National Public Radio, 2017/09/19); see also *Elias et al. v. Rolling Stone LLC et al.*, No. 2465 (2d Cir. 2017)

¹⁴ "How the Retracted Rolling Stone Article 'A Rape on Campus' Came to Print" (ABC News, 2016/11/29); see also *Law & Order: Special Victims Unit*, season 14, episode 20: *Girl Dishonored*

at least in Canada,¹⁵ while in the United States the bar for public officials to meet has been set extremely high by the Supreme Court in *New York Times Co. v. Sullivan* in 1964.¹⁶

So how to proceed, in a world overflowing with unreliable information? There are common sense ways to separate the wheat from the chaff. For starters, look up who owns or funds a given news outlet and where it is located; this way you won't fall for FOX News,¹⁷ Russia Today,¹⁸ Rebel News,¹⁹ or Daily Mail slop,²⁰ whose factuality are notoriously low and political bias high. Another is to browse sources located outside the country where a given event took place, in order to escape the national propaganda bubble; for American news, why not have a look at Qatar-based Al Jazeera or French newspaper Le Monde for a different point of view. And as a rule of thumb, independent press agencies or nonprofit organizations are more trustworthy than government or corporate mouthpieces.

If you're not familiar with the media landscape, look for a news aggregator like Ground News, which assembles various sources for a given story and sorts them by criteria like accuracy and political alignment. And in doubt, seek corroborating sources; a

¹⁵"Municipalities can't sue for libel, judges say" (The Globe and Mail, 2006/04/17); see also *Montague (Township) v. Page*, 2006 CanLII 2192 (ON SC), *Halton Hills (Town) v. Kerouac*, 2006 CanLII 12970 (ON SC)

¹⁶"New York Times v Sullivan: the 60-year old Supreme Court judgment that press freedom depends on in Trump era" (The Conversation, 2025/09/22); see also *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964)

¹⁷"Fox News settles blockbuster defamation lawsuit with Dominion Voting Systems" (National Public Radio, 2023/04/18)

¹⁸"Russia Today reporter resigns in protest at MH17 coverage" (The Guardian, 2014/07/18)

¹⁹"Professor wins \$60,000 in defamation lawsuit against Ezra Levant" (The Edmonton Journal, 2021/11/30); see also *Chak v Levant*, 2021 ABQB 946 (CanLII)

²⁰"Green energy boss settles High Court libel case" (The Guardian, 2025/02/25)

good starting point is fact-checking websites like FactCheck.org or PolitiFact.

One source which is easy to neglect is the much-maligned Wikipedia, which took a long time to get its act together but nowadays provides references for virtually every claim it makes while flagging the sparse few which are missing. I sometimes prefer it to news outlets because the latter often neglect to provide references even when used in a given article. Nevertheless, don't take the encyclopedia's every statement for granted merely because editors have validated it; occasionally I follow a reference only to find that it does not support a given finding.

Above all, be wary of search engine artificial intelligence summaries, whose accuracy is abysmal, in part because they rely on dubious sources like Reddit, and also because they echo outdated information such as retracted stories and repealed legislation. In fact, the use of AI to produce submissions in the legal system can get parties sanctioned outright because bots have a tendency to hallucinate decisions which do not exist.²¹

Open-source intelligence

Browsing news websites is just skimming the surface of our global repository of knowledge, which in the age of Google and ChatGPT is available at everyone's fingertips. No longer does every search begin at the public library riffling through index cards, surveying rows of dusty books, and scrolling through microfilms; nowadays a search engine can facilitate the process with just a few keystrokes from the comfort of our homes. As I've just explained however, this doesn't make the role of researcher obsolete, far from it; even

²¹ "Increasing AI use in Canadian courtrooms carries risk of errors, penalties: lawyers" (Canadian Broadcasting Corporation, 2025/12/31)

with artificial intelligence, the explosion of accessible information means it requires more skill and patience than ever to sift through, while these technological tools themselves are the subjects of entire manuals dedicated to expert use.

Besides, even contemporary search engines do not index material from every source, therefore manual research is still required. This field of study is called Open-Source INTelligence (OSINT), and once again many books have been written on this rapidly evolving topic. This is where detective work begins in earnest.

There are myriads of public records beyond the reach of search engines. A trivial one is the good old phone book, listing most people's addresses and phone numbers. The Canadian Legal Information Institute (CanLII) offers a searchable repository of legal decisions. In British Columbia, provincial court registries can be accessed via Court Services Online (CSO) to look someone up for civil or criminal cases, and even traffic infractions; Elections BC publishes campaign finance disclosure records, which include candidates' personal addresses, phone numbers, and email addresses; the BC Government Directory lists all government employees with their official contact info; The Land Title and Survey Authority can reveal ownership of a given parcel; BC Archives provide a wealth of historical records, some of which aren't so ancient; and so on. Municipalities may also offer a business registry, a list of permit applications, or floor plans of public facilities. The Victoria Police Department provides a crime map with details of every active case updated in real time. The RCMP has just made its dangerous sex offender database available to the public, and some police departments, like the Florida Department of Law Enforcement, even show exactly where registered sex offenders live. Government sources alone are innumerable, to say nothing of private ones.

Think outside the box and you'll stumble upon unexpected gems. One that is easy to overlook is freely viewable CCTV cameras, registered with networks like EarthCam, Insecam, or WebcamTaxi, which include cameras monitoring traffic, public infrastructures, or private properties; some municipalities, like Calgary and Edmonton in Alberta, even provide real time access to their traffic monitoring cameras. Another is online emergency radio scanner services such as Broadcastify, which allow eavesdropping on the police. Keep digging and you'll be amazed by what turns up.

Freedom of information

In Chapter 3 I've lamented that the legal system is a rigged casino and taking on the government means beating the house at its own game. Rigged as the game is however, players have one significant advantage, which is the ability to peek at the government's cards by invoking Freedom of Information legislation.

By law, government entities have to disclose public records upon request, within reasonable parameters. Access is typically free, although the institution may charge fees for extensive requests. Records may come redacted, and some may be withheld altogether for various reasons, such as being an unreasonable invasion of privacy. Nonetheless, FOI requests are a powerful tool to obtain government information far beyond the reach of search engines.

So what kind of records can one obtain this way? Virtually anything, down to scribbled notes pinned to a public official's corkboard. I've tested the limits of what can be requested, and managed to get my hands on elected representatives' agendas and emails, public contracts, internal documents and statistics,

financial records, and references behind public statements. It's also possible to obtain custom summaries and breakdowns, as opposed to actual records which may take longer to release and prove more expensive.

Each institution provides its own protocol to make requests, usually through a web form or email. The most important is to be able to define the documents you're looking for, which is an art form in itself. It's easy to make broad requests without even meaning to, however, and these may turn out to be prohibitively expensive and time-consuming, so searches are frequently narrowed down upon feedback from the FOI department. The search begins once the parties agree on the terms and applicable fees are paid, and the request must be completed within a prescribed number of days.

That's the sanitized description of the process. In practice there's usually some haggling involved. It's okay to voice disagreement over excessive fees, or to ask for clarifications if an apparently trivial request comes with a disproportionate time estimate. One can also be a weasel by proposing to break down a request in order to avoid fees, since the first few hours of a given request are usually free.

FOI requests are fishing expeditions, and the results may be disappointing. Sometimes records come almost completely redacted, leaving out legal advice, law enforcement discussions, or negotiations with other levels of government for example. In some cases information may be scarce and summaries unhelpful. Even then, don't underestimate the worth of even the slightest bit of information, which can form the basis of future queries.

If you're dissatisfied with the outcome of an FOI request, and you won't take no for an answer, you may request a review by an

independent body in order to compel compliance with the law; here in British Columbia it is the Office of the Information and Privacy Commissioner (OIPC), hearing complaints under the *Freedom of Information and Protection of Privacy Act (FIPPA)*. Don't be afraid to scrutinize the legislation looking for loopholes, and to scour the jurisprudence for applicable precedents.

I've filed a request for review myself, after the City of Victoria decided to withhold employment records pertaining to internal investigations of misconduct allegations against several bylaw officers (see Chapter 4). I'm invoking the public interest clause of the *FIPPA*, which prevails over the remainder of the *Act*, on the grounds that one of the complainants went public with his allegations and called for an independent investigation into the department's workplace practices.²² If I'm successful, it will override outdated precedents preventing disclosure of investigation reports against law enforcement officers, a huge boon for journalists across the province.²³

One thing you can request is your own records with a given government body, including the police, which is of course of paramount interest to activists. While records pertaining to active investigations are off-limits, the rest is fair game, and there's nothing wrong with asking what the cops have entered in your file. Not only that, it is sometimes possible to tell when law enforcement officers have accessed your file; for instance, police accountability blogger Stephen Harrison filed a complaint with the OIPC after he found out that officers of the Victoria and Saanich police

²²"Victoria bylaw department marred by bullying, discrimination investigations" (CTV News, 2025/10/30)

²³*Vancouver Police Department (Re)*, 2009 CanLII 63563 (BC IPC) at para. 12-15 invokes criteria which have been voided by the commissioner in 2015; as for s. 66.1 of the *Police Act*, it has been repealed in 2009.

departments had improperly looked him up on their Police Records Information Management Environment (PRIME) database.²⁴

Many documents obtained by access to information legislation have been made public. In Canada, the most notable source is Open By Default, a repository provided by the Investigative Journalism Foundation.²⁵ Searching publicly available sources beforehand might save you a lot of trouble, just like contributing your own documents in turn may help others in the future.

Doxxing

An emerging tactic is to reveal a target's personal information, such as their legal name and home address, in order to intimidate them. This is known as doxxing, a tactic of which protesters may be both the perpetrator and the victim, and is indeed a hot topic on the activism scene nowadays.

While the practice commonly leads to innocent pranks like the classic anonymous pizza delivery, weaponizing personal information can outright ruin or even end a person's life in extreme cases. For example, being outed as a closet gay, a looming threat on J. Edgar Hoover for many years, can mar a public figure's career. Revealing someone's criminal history can ostracize an individual, making it difficult to keep a job or an apartment. Even in a free country, exposing a protester's activities can subject them to continual harassment and even persecution by foreign governments.

One famous character deathly afraid of doxxing went by the alias of Thomas Kuban. He spent a decade infiltrating the un-

²⁴"Victoria, Saanich police employees made unauthorized access of personal information: OIPC" (CHEK News, 2023/06/15); see also "Police improperly access police database, but don't audit its use" (needs more spikes, 2023/06/12)

²⁵Currently available at the following URL: <https://theijf.org/open-by-default>

derground neo-Nazi metal scene in Germany, attending concerts which he secretly recorded with a hidden camera. "If I had been caught, the neo-Nazis would have beaten and kicked me—they might well have killed me," he told GlobalPost.²⁶

Doxxing has been employed to pull the mask off otherwise unaccountable ICE officers in the United States. Groups such as Rose City Antifa has published the personal information of many agents, including their names, pictures, and home addresses, in order to subject them to harassment.²⁷ So far no charges have been filed, in spite of the tactic's shaky legal ground, most likely over concerns that underlying legislation tentatively restricting the practice might not withstand a constitutional challenge in court.²⁸

While in Canada doxxing might run afoul of privacy, harassment, defamation, or cyberbullying statutes in theory, the jurisprudence lacks persuasive precedents outlawing the practice altogether. I've only found two instances of criminal convictions so far. One was that of a minor who'd practiced serial doxxing and 'swatting' (spuriously calling emergency services on a target with the intent of getting them raided by the police) on victims in Canada and the United States; the Provincial Court of British Columbia sentenced him to 16 months in custody.²⁹ The other was a case of criminal harassment, distribution of intimate images, and sexual assault charges, also involving swatting and even firebombing alle-

²⁶"Undercover With the Neo-Nazis" (GlobalPost, 2013/01/15)

²⁷"Homeland Security reports ICE officers are being doxxed, threatened in Portland" (KPTV, 2025/07/11); see also Rose City Antifa's website at the following URL: <https://rosecityantifa.org/>

²⁸"ICE promised doxing cases against Portland 'anarchists.' Months later, no charges filed" (Oregon Capital Chronicle, 2025/10/16)

²⁹"The Serial Swatter" (The New York Times, 2015/11/24); see also *R. v. B.L.A.*, 2015 BCPC 203 (CanLII)

gations, against a Pennsylvania man targeting an Ottawa teenager, before Ontario's Superior Court of Justice.³⁰ Short of criminal harassment and public mischief, however, revealing someone's personal information seems to be fair game under Canadian law, and a decision to the contrary would most likely be struck down under Article 2 of the *Canadian Charter of Rights and Freedoms* guaranteeing freedom of expression, especially if the information could already be accessed from publicly available sources.

Uncovering hostiles' personal information isn't nearly as difficult as you might presume after reading about the above cases, both of which involved computer hacking. I've myself doxxed a notorious doxxer who was stupid enough to operate under his legal name, by digging up his home address on the nomination document of a candidate for city council he'd endorsed. I even pushed the envelope by doxxing the entire Victoria city council after finding their home addresses, phone numbers, personal email addresses, and signatures on campaign finance disclosure documents. And I've been tipped multiple times by supporters revealing the identities of counterprotesters, including that of a doxxing photographer who neglected to remove his satchel bag's name tag.

That being said, never forget that it works both ways. For example, the Canary Mission website, which is linked to Israeli intelligence, exposes university students, professors, medical practitioners, and various professionals who espouse pro-Palestinian views, in order to undermine their reputations and careers.³¹ This public shaming tactic, disguised as combating antisemitism, has

³⁰ "U.S. man guilty of sexual assault, 'nefarious' online campaign against Ottawa teen" (Canadian Broadcasting Corporation, 2025/03/18); see also *R. v. Bukoski*, 2025 ONSC 116 (CanLII)

³¹ "Who Is Funding Canary Mission? Inside the Doxxing Operation Targeting Anti-Zionist Students and Professors" (The Nation, 2023/12/22)

long been used to retaliate against advocates for Palestine liberation.³² No wonder so many protesters practice online hygiene and wear face masks even at peaceful rallies nowadays.

Garbology

Since we embrace the way of the cockroach, let's conclude this chapter with the nefarious practice of searching garbage for information. Think about it: how often did you casually discard a whole bank account statement or phone bill in the recycling bin? Have you ever reflected upon what a malicious actor might do with it? Now try to imagine what you could do with someone else's discarded information instead. And if your imagination fails you still, time to educate yourself on identity theft and its dramatic consequences—or that of your garbage fuelling the local gossip mill, which may prove even worse.

You may of course find garbology unpalatable. To help getting the pill down, please observe that law enforcement is shamelessly searching through people's garbage looking for evidence of criminal activity. Worse still, the Supreme Court of the United States has ruled in 1988 that garbage left by the roadside off one's property is not protected by the Fourth Amendment's clause of the Constitution forbidding unreasonable search and seizure, in an opinion which even overrides local laws:

Since respondents voluntarily left their trash for collection in an area particularly suited for public inspection, their claimed expectation of privacy in the inculpatory items they discarded was not objectively rea-

³² "For Palestinian Americans and activists, doxxing is nothing new" (CNN, 2023/10/15)

sonable. It is common knowledge that plastic garbage bags left along a public street are readily accessible to animals, children, scavengers, snoops, and other members of the public. Moreover, respondents placed their refuse at the curb for the express purpose of conveying it to a third party, the trash collector, who might himself have sorted through it or permitted others, such as the police, to do so. The police cannot reasonably be expected to avert their eyes from evidence of criminal activity that could have been observed by any member of the public.

Greenwood's alternative argument that his expectation of privacy in his garbage should be deemed reasonable as a matter of federal constitutional law because the warrantless search and seizure of his garbage was impermissible as a matter of California law under *Krivda*, [486 U.S. 35, 36] which he contends survived the state constitutional amendment, is without merit. The reasonableness of a search for Fourth Amendment purposes does not depend upon privacy concepts embodied in the law of the particular State in which the search occurred; rather, it turns upon the understanding of society as a whole that certain areas deserve the most scrupulous protection from government invasion. There is no such understanding with respect to garbage left for collection at the side of a public street.³³

The Supreme Court of Canada found likewise in 2009 that roadside trash isn't protected by Article 8 of the *Canadian Charter of Rights*

³³*California v. Greenwood*, 486 U.S. 35 (1988)

and Freedoms, and even cites this precedent in its rationale.³⁴ In fact, it is difficult to imagine a jurisdiction in which refuse would be extended any such protection, or how local statutes declaring otherwise could be enforced against the average scavenger.

It naturally follows that private citizens can legally claim other people's discards on a similar basis. In fact, pulling it off incognito is trivial; just go out at night with a wagon and scruffy clothing, pretending to be collecting empties, and you can rummage through garbage without attracting scrutiny. Even were someone to be 'caught' stealing garbage, the likelihood of legal action or criminal prosecution would look downright comical.

That being said, the distinction between curbside trash scavenging and dumpster diving is worth noting. The latter may be afforded legal protection and be the object of actual lawsuits if the theft results in actual harm; it may also attract charges of trespassing since dumpsters usually sit on private property. In a notable case from 1984, the Court of Appeals of Minnesota confirmed a lower court decision which declared the theft of trade secrets from a competitor's dumpster not to be fair game, and even doubled down by awarding massive punitive damages.³⁵

Likewise, the Oregon Supreme Court found in 2019 that trash in garbage bins with the lid down remains one's legal property, protected from unreasonable search and seizure, at least under the state's constitution.³⁶ Of course decisions stating otherwise are bound to be controversial, the Court itself mentioning a story run by the Willamette Week in 2002 enumerating the contents of Portland public officials' garbage:³⁷

³⁴*R. v. Patrick*, 2009 SCC 17 (CanLII), [2009] 1 SCR 579

³⁵*Tennant Company v. Advance Machine Company* (355 N.W.2d 720)

³⁶*State v. Lien/Wilverding*, 364 Or 750, 441 P3d 185 (2019)

³⁷"RUBBISH!" (Willamette Week, 2002/12/23)

Indeed, defendants make exactly that point, suggesting that most Oregonians would be outraged were their garbage subject to such examination and citing as support an article first published on December 23, 2002, in the Portland publication *Willamette Week*. The article catalogued items that its reporters had found by collecting the curbside garbage or recycling of three government officials in Portland then serving in law enforcement roles: the city's police chief, the mayor and commissioner of police, and the Multnomah County District Attorney. The reporters described what they had done as a "frontal assault" on privacy and reported some of the officials' angry reactions to having their personal refuse removed from curbside and publicly examined, including the mayor's statement that she considered "*Willamette Week's* actions in this matter to be potentially illegal and absolutely unscrupulous and reprehensible."

So is it worth the trouble? I've searched some of my targets' garbage bins and found some dumbfounding things, like internal company memos and accounting documents, medication containers and slips, receipts for purchases both online and local, private correspondence with friends and family members, targeted advertisement, beverage containers (with DNA and fingerprints, of course), and more; now I even know what they eat for breakfast (one had Tropicana orange juice, for example). I swear these are gold mines for both identity thieves and unscrupulous activists. So go ahead and help yourselves. And while you're at it, time to buy a paper shredder if you don't have one already, before the cops come snooping.

Chapter 6

The mainstream media conundrum

Democracy dies in darkness.

The Washington Post

Activists and the mainstream media enjoy a strained relationship.

We activists plead our cases before the court of public opinion, which means reaching out via every medium available. But the media have only superficial interest in causes. Large media outlets are usually run by governments or for-profit corporations, which means they may be slanted toward propaganda or cater to commercial interests—especially that of advertisers. And that means superficial coverage, tainted by politics and constrained by the false promise of impartiality.

Furthermore, various circumstances may compel the media to self-censor altogether, from the threat of government retaliation to that of public backlash. This we have seen recently in coverage of Palestine, in the instances that follow:

- Canadian Broadcasting Corporation (CBC) employees have denounced the network's anti-Palestine bias, including heavy censorship of interviews;¹

¹"Inside CBC, concerns emerge about broadcaster's response to Palestine essay" (Breach Media, 2024/05/24)

- Over 100 British Broadcasting Corporation (BBC) staff have denounced their employer's bias toward Israel, evidenced by its presenting claims by the Israeli government as fact without investigation and its use of double language to describe victims of the conflict;²
- CTV News has forbidden the use of the word 'Palestine' in its coverage altogether, according to internal email and multiple employees;³
- The New York Times' lobby was even the target of a sit-in protest in November 2023, charging it with "laundering genocide" and calling upon it to publicly back a ceasefire.⁴

It is no wonder then that activists sometimes describe mainstream media coverage as "both-sides bullshit" and even shun them altogether—although when we do that it becomes one-side bullshit. This is why reaching out to them is crucial in spite of our apprehension. Just try breaking the government's will to fight if you can't even take on the local newspaper or TV station.

Besides, observe from these examples that reporters themselves sell out their employer when their editorial board becomes overly assertive, which means the prospects aren't as bleak as they look at a glance. Consequently, forging a relationship with individual reporters may prove worthwhile after all.

²"Over 100 staff accuse BBC of bias in coverage of Israel's war in Gaza" (Al Jazeera, 2024/11/02)

³"CTV forbids use of 'Palestine,' suppresses critical stories about Israel" (Breach Media, 2023/11/22)

⁴"Protesters stage sit-in at New York Times headquarters to call for ceasefire in Gaza" (NBC News, 2023/11/10)

Journalism and civil disobedience

Reporters and activists have more in common than the latter appreciate; think of investigative journalists uncovering government corruption, professional photographers documenting police brutality against protesters, or war zone correspondents risking life and limb to expose violations of international law. I've already mentioned photojournalist Colin Smith getting himself arrested while covering Fairy Creek within a media exclusion zone (see Chapter 2), and he's only one of many who faced repercussions for attempting to capture at protests what the government didn't want the public to see.

The field of journalism is driven in principle by strong ethics, whether or not actually adhered to in practice. These sometimes compel a journalist to take an open stance by defying court orders. The most notable example involved Matthew Cooper of Time Magazine and Judith Miller of The New York Times being found guilty of contempt of court in 2005 for refusing to identify a confidential source who revealed the identity of Central Intelligence Agency (CIA) agent Valerie Plame; Miller ended up spending 85 days in jail.⁵ Miller was hardly a hero, her faulty reporting largely to blame for enabling the US government to invade Iraq in 2003 by invoking fantastical claims of weapons of mass destruction;⁶ nevertheless, it's difficult to fault her for standing firm by invoking the sacrosanct right of a reporter to protect confidential sources—even one as disreputable as Lewis "Scooter" Libby.⁷

Other journalists convicted for refusing to disclose their

⁵"Reporter Jailed After Refusing to Name Source" (The New York Times, 2005/07/07), "Judith Miller departs New York Times" (The Guardian, 2005/11/10)

⁶"Not fit to print" (Salon, 2004/05/27)

⁷"Rise and fall: Lewis 'Scooter' Libby" (The Guardian, 2007/06/05)

sources include BBC reporter Bernard Falk, who served four days for protecting the identity of an Ireland Republican Army (IRA) spokesman he met in 1971;⁸ freelance journalist Vanessa Leggett who spent 168 days in detention, the longest sentence in American history, after refusing to testify in 2001 in order to protect source material compiled for the purpose of writing a nonfiction book on a murder-for-hire plot;⁹ and Jim Taricani, convicted of criminal contempt in 2004 for refusing to reveal who leaked an FBI videotape of a politician accepting a bribe, and sentenced to six months of home confinement.¹⁰

The American Constitution's First Amendment explicitly recognizes the role of a free press. That being said, the judiciary has proven unreceptive to arguments that it shielded journalists from revealing confidential sources upon being ordered to as part of criminal proceedings. The Supreme Court settled the matter in 1972 in a narrow decision denying reporter's privilege in a case involving two reporters for a local newspaper, one who had conducted a journalistic drug use survey, the other having been invited to the local Black Panthers headquarters. The majority wrote:

Accepting the fact, however, that an undetermined number of informants not themselves implicated in crime will nevertheless, for whatever reason, refuse to talk to newsmen if they fear identification by a reporter in an official investigation, we cannot accept the argument that the public interest in possible future

⁸"Pressing charges" (Belfast Telegraph, 2009/05/14)

⁹"Writer Who Was Jailed In Notes Dispute Is Freed" (The New York Times, 2002/01/05)

¹⁰"Reporter gets 6 months home confinement" (NBC News, 2024/12/09)

news about crime from undisclosed, unverified sources must take precedence over the public interest in pursuing and prosecuting those crimes reported to the press by informants and in thus deterring the commission of such crimes in the future.¹¹

One justice wrote in blistering dissent, however:

It is my view that there is no “compelling need” that can be shown which qualifies the reporter’s immunity from appearing or testifying before a grand jury, unless the reporter himself is implicated in a crime. His immunity, in my view, is therefore quite complete, for, absent his involvement in a crime, the First Amendment protects him against an appearance before a grand jury, and, if he is involved in a crime, the Fifth Amendment stands as a barrier. Since, in my view, there is no area of inquiry not protected by a privilege, the reporter need not appear for the futile purpose of invoking one to each question. And since, in my view, a newsman has an absolute right not to appear before a grand jury, it follows for me that a journalist who voluntarily appears before that body may invoke his First Amendment privilege to specific questions.

[...]

The starting point for decision pretty well marks the range within which the end result lies. The New York Times, whose reporting functions are at issue here, takes the amazing position that First Amendment rights are to be balanced against other needs or conveniences

¹¹*Branzburg v. Hayes*, 408 U.S. 665 (1972)

of government. [...] My belief is that all of the “balancing” was done by those who wrote the Bill of Rights. By casting the First Amendment in absolute terms, they repudiated the timid, watered-down, emasculated versions of the First Amendment which both the Government and the New York Times advance in the case.

Multiple attempts have since been made, all in vain, to enshrine reporter’s privilege in American law. One was introduced in response to the Taricani case discussed earlier.¹² Another was the *Free Flow of Information Act* of 2007, which was overwhelmingly supported in a House of Representatives vote only to die filibustered by the Senate; the bill kept being reintroduced in multiple incarnations, the latest as recently as 2017. Then in 2024 came the *Protect Reporters from Exploitative State Spying (PRESS) Act*, which has also been voted by the House only to languish before the Senate Judiciary Committee.¹³

Canada offers more protection to journalists, explicitly recognizing reporter privilege in a limited capacity with the *Journalistic Sources Protection Act (JSPA)*, which states that the courts may authorize the disclosure of information or a document only if they consider that it cannot be produced in evidence by any other reasonable means, and the public interest in the administration of justice outweighs the public interest in preserving the confidentiality of the journalistic source. The law has been successfully invoked by Radio-Canada reporter Marie-Maude Denis before the Supreme Court of Canada, after refusing to disclose the source of a leak on an investigation into former Quebec minister Marc-Yvan Côté for

¹²“Reporter-Source Shield Bill Pushed” (CBS News, 2004/11/18)

¹³“Congress may soon pass federal shield law. It’s been a long time coming.” (Quill Magazine, 2024/03/14)

fraud, breach of trust and bribery of officers, the accused arguing in vain that the disclosure had been prejudicial to him as it infringed on his right to a fair jury trial.¹⁴

Citizen journalism

I'd like to offer that the answer to the mainstream media conundrum lies in not depending on them too much to begin with. The media landscape has changed considerably in the past generation, and while traditional news networks haven't lost their relevance, they are no longer as dominant as they used to be. Nowadays, independent networks and individual content producers thrive, while some mainstream platforms such as newspapers turn into nonprofits in order to survive.¹⁵ Actually, two of the example stories I listed above were first investigated by The Breach, an independent outlet founded only in 2021.

Besides, we live in the era of Youtube influencers and citizen journalists, so one surefire way to get the coverage we want is to jump into the fray and become reporters ourselves, as I did with the Rulebreakers blog; more notably, as did award-winning Bisan Owda reporting from Gaza since the start of Israel's invasion in October 2023.¹⁶ Look around, and you'll see many individual activists sharing stories online, sometimes with surprising reach as some even contribute pieces to larger news websites; for example, here in British Columbia we have The Tyee, an investigative

¹⁴"Journalist applauds 'historic' Supreme Court ruling that shields her confidential source" (Canadian Broadcasting Corporation, 2019/09/27); see also *Denis v. Côté*, 2019 SCC 44 (CanLII), [2019] 3 SCR 482

¹⁵*11 Trends in Philanthropy for 2023*, published by the Dorothy A. Johnson Center for Philanthropy

¹⁶"Palestinian journalist Bisan Owda and AJ+ win Emmy for Gaza war documentary" (Al Jazeera, 2024/09/26)

journalism magazine accepting submissions. And if your story goes viral on social media and alternative news sites, the mainstream media may actually pick it up.

Don't hesitate to wear the hat of citizen journalist, which requires no more qualifications than that of legal advocate. In fact, in 2009 the Supreme Court of Canada issued a decision expanding the scope of the responsible journalism defence to include ordinary citizens as long as they likewise perform due diligence in their reporting, thus affording them a measure of legal protection against defamation lawsuits:

I therefore conclude that the proposed change to the law should be viewed as a new defence, leaving the traditional defence of qualified privilege intact.

A second preliminary question is what the new defence should be called. In arguments before us, the defence was referred to as the responsible journalism test. This has the value of capturing the essence of the defence in succinct style. However, the traditional media are rapidly being complemented by new ways of communicating on matters of public interest, many of them online, which do not involve journalists. These new disseminators of news and information should, absent good reasons for exclusion, be subject to the same laws as established media outlets. I agree with Lord Hoffmann that the new defence is "available to anyone who publishes material of public interest in any medium."

A review of recent defamation case law suggests that many actions now concern blog postings and other online media which are potentially both more ephemeral and more ubiquitous than traditional print

media. While established journalistic standards provide a useful guide by which to evaluate the conduct of journalists and non-journalists alike, the applicable standards will necessarily evolve to keep pace with the norms of new communications media. For this reason, it is more accurate to refer to the new defence as responsible communication on matters of public interest.¹⁷

In fact, the court went as far as lamenting that Canadian libel law lagged behind that of the United Kingdom among all countries, which as we saw in Chapter 2 is notoriously one-sided in favour of plaintiffs.

So fake your own press credentials already! Don't be afraid to send out requests for comments like any serious journalist, and build your reputation as you prop up your own confidence. This is the best way for us activists to get the reporting we wish for, after all. And the material we produce may even find its way to mainstream media articles, as did for example a picture of mine I captured at a Victoria City Hall protest in April 2024 at which two advocates held a banner condemning bylaw officers' forced displacement of the unhoused;¹⁸ without it Victoria News might not have published the piece for lack of material.

¹⁷*Grant v. Torstar Corp.*, 2009 SCC 61 (CanLII), [2009] 3 SCR 640; see also "New libel defence allowed: Supreme Court" (Canadian Broadcasting Corporation, 2009/12/22)

¹⁸"Campaigners urge Victoria for homelessness action, criticize item seizures" (Victoria News, 2024/04/14); archived at the following URL: <https://web.archive.org/web/20240414055213/https://www.vicnews.com/local-news/campaigners-urge-victoria-for-homelessness-action-criticize-item-seizures-7343674>



Captured during a council meeting at Victoria City Hall in April 2024; republished with permission by Victoria News.

With trial and error, I myself managed to build a relationship with reporters and break through the media brick wall. Allow me to show you how it's done, hoping to spare you the blunders I initially made in presuming, just like you, that traditional media are either our saviours or our foes. They are neither. Understanding their point of view makes navigating their world a lot easier.

The remainder of this chapter is an edited version of an article I posted on the Rulebreakers blog on 2025/01/07:

How to Reach Out to the Mainstream Media

Protests need exposure in order to be effective, yet activists struggle with reaching out to news outlets. Come read about how to get media coverage for your campaign.

Perhaps the most difficult hurdle for an organizer to overcome is getting mainstream media exposure. The vast majority of

protests I cover get none whatsoever. Many activists just don't bother, perhaps thinking their event is too small or mundane to be worth the effort, or do reach out persistently without ever getting a bite.

Getting the media interested isn't that hard, however; the main issue is that there's no manual out there to navigate this notoriously impenetrable world, so I'm writing one tailored for activists weary of being ignored. I've pulled it off repeatedly, and so can you if you follow these simple tips.

Tell a story

The main blunder activists make in approaching the media is trying to sell them a cause. With a few exceptions, mainstream media outlets just don't care about your cause, or at least they're not nearly as passionate about it as you are. And since they're outsiders, they don't necessarily know why their audience should care either.

Media strategy needs to come at the earliest stage of protest planning. Don't just plot an event and then send invites to journalists, that rarely works. Think early on about what would get the general public interested instead. Tell a story, and come up with a bold concept. Camp on the Legislature precincts if you have to, like this homeless couple whose child was taken away by the government did in April 2023.¹⁹ See? No protest is too small to get through.

Pitching the mainstream media a campaign, as opposed to a single event, works even better. For example, we at 1 Million Voices For Inclusion have had a lot of success selling our crusade

¹⁹"Campbell River couple camps on legislature lawn after baby apprehended" (Times Colonist, 2023/04/19)



Sonja and Philip Hathaway had already made the headlines in September 2022 for settling on a DIY boat moored to the Campbell River after spending three years waiting for BC Housing to find them a home.

against We Unify because we spent weeks building momentum prior to the protest proper,²⁰ with a letter writing campaign, the endorsement of politicians and advocacy groups, and a rally to address the municipal council.

Networking!

Ever attended a job hunting workshop? Then you must have been told it's all about networking. Forget sending hundreds of resumes on job finding websites, that just doesn't cut it; approach employers directly, preferably by the back door.

The world of journalism works just the same. Although you might enjoy some success with the generic tips email, it's so much better to know reporters personally. The best way in my experience

²⁰ "Rally called to protest Victoria event featuring convoy organizers, 'transphobic' speakers" (Times Colonist, 2024/06/13)

is to talk to them on the ground. Granted, journalists aren't covering events to casually chat with the attendance, but that shouldn't dissuade you from engaging with them. For example, I realized at some point that they struggle with crowd counts, so I started sharing mine on the fly with the approach I use, and that made a good relationship starter.

Unsure how to proceed? Keep in mind activists are not allowed to be shy, so whatever is stopping you from approaching reporters, *kill it*. Besides, reporters are people too, and they may conversely be reluctant to approach activists, so you might actually be doing them a favour by breaking the ice. The world of activism looks just as impenetrable to media people, after all.

Even better than a casual exchange, of course, is to get interviewed. Reporters covering an event are prowling for people to interview, so try to grab their attention, even if it's not your event. It's easier than you think: once I did it inadvertently by attending a municipal council meeting debating a motion on daytime sheltering by homeless people, just by wearing a "STOP THE STREET SWEEPS D.T.E.S." T-shirt—which might as well read "I'M AN ADVOCATE FOR THE HOMELESS, INTERVIEW ME!!!"—and indeed got interviewed twice in a row.²¹

And just like in the business world, if you're an advocate you need a 'business' card with your contact info. Don't let go of a journalist's hand without slipping one of these in their waistband! More likely than not they'll call you back eventually, which is even better than having to reach out to them in the first place.

²¹“Can't just stand by and wait': Victoria motion looking into enforcing daytime sheltering ban passes” (CHEK News, 2024/07/18), “Victoria's plan to better enforce daytime sheltering rule will fail, advocates say” (CTV News, 2024/07/19)

Do your homework

This is the part where I give you advice not as a fellow activist, but an actual reporter—albeit a fringe one.

I get approached by activists left and right, whether inviting me to cover an upcoming event or on the ground at a current one. One major deficiency I observe is that many organizers haven't done their homework prior to reaching out. They may not know their topic as well as they think—to put it very delicately, as often I can point out glaring factual issues down to their core platforms. Or they may know their topic, but they don't have answers ready to basic questions, and they fumble in their approach.

Research is a crucial aspect of protest planning that is indeed neglected. If nothing else, if you invite me to an event, make sure to know the topic better than I do, and that I can't debunk it with a simple Google or Wikipedia search. Provide me with specific facts and figures, with ironclad references. Not only does it make you look credible, it saves me some time.

Also, having printed educational material at your event helps reporters such as me, not just random bystanders. You might think it's a waste of time and paper, but if you invite the media to your event, providing a presentable flyer can make a huge difference in coverage—starting with whether you get any.

For example, I covered two rallies in front of the Empress Hotel in Victoria by an animals rights group calling for an end to the sale of fur products. The first time I merely posted pictures because I felt like I didn't have enough material for an article. The second time they had a leaflet ready, with specific claims and references, and this time I indeed wrote an article about it. Want coverage? Give us reporters material.

Press releases

Oh boy. Press releases are the résumés of the mainstream media universe. And nobody likes writing résumés. Especially you and me.

It doesn't have to be this much of a chore though. Activists tasked with writing a press release often scuttle themselves by being too stiff about it, intimidated by the weight of contradictory advice on the topic. If it helps, once again put yourself in the shoes of a reporter and you'll have a good feel of how to word it.

A distinction is frequently made between a media advisory and an actual press release. The former tends to be short, sent 3-5 days before an event, and advertises an event meant for the media to cover; the media usually withholds information in an advisory until the event date. The latter in contrast is released closer to the event, typically the day before, tends to be more verbose, and has for purpose to help a reporter write a piece; indeed parts may even be cut and pasted straight to actual news coverage.

In practice, don't worry too much about the format, or even the distinction. I've seen media advisories which double as press releases. I've seen many press releases with creative formatting, doubling as actual news pieces, or appended to feature-length articles, with embedded multimedia and whatnot. There used to be a time, back in the era of snail mail and electric typewriters, when press releases had to be formatted in a specific manner, down to the trailing number signs (###), and anything else would be dismissed as an amateur's submission without anyone casting more than a glance at it, but in the age of Netflix these rules no longer hold, so feel free to disregard any advice which looks obsolete.

One last thing. Remember we discussed doing your homework?

Press releases are make-or-break opportunities to show it off. Even my media advisories feature a references section, however short, if only to show I've researched my topic; and if these help a reporter write a feature article, all the better. If you send me a press release, by all means do include references, I'm likely to use them in my piece.

For example, I've written a rather elaborate advisory for a protest encampment I held in December 2024 at the Victoria City Hall, which saved me the trouble of writing a separate press release. I've chosen this format because I wanted to maximize media coverage prior to the event—which came with a plot twist: I fooled the authorities into fencing off the wrong site.²² The feature article in the Victoria Buzz indeed quoted substantial portions of the release, as if I'd written it myself.²³

Interviews and press conferences

If you stress out already at the press release stage by comparing it to a résumé, I can imagine how you feel about media interviews, which are the equivalent of job interviews being broadcast on 6 o'clock news—or worse, on live radio. Except they're not, so just be casual about them.

Usually, the interviewer will have you stand still in front of a camera for a few minutes while you answer questions. Advocates cannot choose their questions, but they can choose their answers, and unlike in a job interview there are no preset right or wrong answers, so focus on getting your message out. If you don't like a specific question, that's just fine, you're given some latitude to

²²“Protest encampment near Victoria City Hall dismantled after bylaw visit” (The Times Colonist, 2024/12/02)

²³“Encampment planned for Victoria courthouse to protest displacement of unhoused” (Victoria Buzz, 2024/11/25)

weasel your way around it and discuss the issue from a different angle.

Don't worry if you fumble a bit. Interviews are typically edited for brevity back at the studio, by professionals who make subjects look good by clipping out the horrible parts. What you do need to worry about is preparation. Once again doing your homework is very important; at the very least you should anticipate common questions and have counterarguments ready to answer critics. Try to prepare some sound bites that an editor might like to include in actual reporting, which is likely to be short; a typical three-minute interview may be trimmed down to less than ten seconds, so squeeze your point in as few words as possible. The reporter is likely to close by asking you if you wish to add something, which is a good opportunity to conclude with yet another sound bite.

In contrast, for a press conference you get to choose the format and the pace. Just like with press releases and media advisories, there is no longer a clear formula to follow, although journalists attending these events expect to be treated somehow, so try to come up with visually appealing elements, if only signs or banners; it is also customary to have printed material available, if only a flyer or leaflet amounting to a press release.

Unlike a media interview, a press conference allows you to read from the page, which cuts down on improvisation and stress. You get to say your piece in a predictable fashion, without having to worry about being interrupted, and you have ample time to deliver it. Reporters are allowed to ask questions in turn once the presentation is done, and unlike for interviews they're the ones improvising, not you. That being said, expect the footage to be edited for brevity just like for an interview, so plan accordingly.

Press conferences are usually called by notable advocates or

organizations to either announce major initiatives or comment on emerging developments. Most activists will never call a press conference; I for one never did and never might. That being said, since like for press releases there is no longer a strict format for a press conference to follow, a rally can technically double as one. For example, one was held at the Victoria City Hall in March 2023 by a fellow advocate who invited the media to announce the disappointing outcome of a challenge she'd raised at the Civil Resolution Tribunal against the municipality.²⁴ Another was called at the Vancouver Police Department headquarters in June 2024 by multiple organizations, including the BC Civil Liberties Association, in response to police brutality against Palestine protesters.²⁵ Nobody ever said one cannot invite both the media and a crowd for a public announcement, after all, so there.

Media fatigue

I'd like to conclude this article with an underdiscussed topic, which is media fatigue.

Basically, I would advise treating the media like the exclamation mark: use them sparingly, lest they lose their meaning and impact. Call the media once in a while with interesting announcements and they'll probably show up, but after a while interest is bound to wear off. Sometimes it's the activists' fault for dialling emergency services over a neighbour wearing too much cologne. Other times it's an entire topic becoming so repetitive it's no longer considered newsworthy, from COVID to weekend Palestine rallies.

²⁴"Activists rally at city hall after case against Victoria dismissed" (Victoria News, 2023/03/11); see also *Ottosen v. City of Victoria*, 2023 BCCRT 149 (CanLII)

²⁵"B.C. liberties group to file complaint in pro-Palestinian protest" (Canadian Broadcasting Corporation, 2024/06/18)



A press conference, doubling as a rally, held at the Vancouver Police Department headquarters in June 2024.

Even if the media do show up at your event, there's no guarantee they publish a piece. Sometimes it's a disappointment. Sometimes your event doesn't make the cut because it got bumped by other news. Even if the outlet does report on the event, specific material may be left out, like entire interviews. It may, or may not, signal media fatigue.

If in doubt, don't take it personal, and keep sending those media advisories. The world of news reporting is a highly competitive arena, requiring persistence in order to break through. That being said, if the media never take the bite then some adjustments may be in order. I've shown you how it's done, but as I stated first thing in this article there is ultimately no surefire manual to navigate this world so you have to carve your own path using your own wits, otherwise you won't make the cut indeed. Keep trying until some concept works for you, and keep it evolving in order to remain newsworthy!



Want to make sure the media attend your rally? Crash an event they're guaranteed to cover, like this blockade for Palestine at the Victoria Pride Parade in July 2024.²⁶ Observe the CHEK News reporter on the right recording the scene. To Hell with media advisories, let's just steal the show!

²⁶"Victoria Pride parade disrupted by pro-Palestine protesters, route redirected" (CHEK News, 2024/07/07)

Chapter 7

Embrace the digital revolution

The power of the people is greater than the people in power.¹

Wael Ghonim

I've documented about two hundred protests on the Rulebreakers blog over three years. I would say too many made little use of technology beyond spreading invites on social media, and no more sophisticated implements on the ground than cardboard signs. Don't get me wrong: I love cardboard signs, especially those a lot of effort has been put into. But they only carry the message about ten metres across, and most PA systems little farther. Often, as a result, the crowd ended up preaching to itself. If not for my modest coverage, their message wouldn't have reached any farther than I can cast a rock. We live in the era of the Internet and cell phone cameras which can livestream footage across the globe, yet by this crude metric of mine I would say demonstrations often seem to be stuck in the Stone Age.

I therefore encourage you, my dear readers, to have a peek at *The Future of Change: How Technology Shapes Social Revolutions* by Ray Brescia.² The book attributes the advance of civil rights

¹Ghonim, W. (2012). *Revolution 2.0: The Power of the People Is Greater Than the People in Power: A Memoir*. Houghton Mifflin Harcourt.

²Brescia, R. (2020). *The Future of Change: How Technology Shapes Social Revolutions*. Cornell University Press.

throughout modern History to communications breakthroughs, going as far back as the printing press (which historians credit for the Protestant Reformation, by the way), while giving honourable mentions to the telegraph and the radio.

Brescia argues that the advent of the television was instrumental to the passing of the *Civil Rights Act* of 1964 and the *Voting Rights Act* of 1965. Let's go back to Birmingham, Alabama in May 1963, at the heart of the segregated South, rife with racial violence, where Negroes were treated at best like second-class citizens. Black strategists saw an opportunity in this predicament and organized a downtown march meant to confront the mayor over legalized segregation, but quickly determined they lacked the numbers to make a difference, so they compensated with a tactic which remains controversial to this day.

Here's how the 'Children's Crusade' unfolded in Brescia's own words:

In response, civil rights leaders organized a march of schoolchildren in support of those movement activists who had already been arrested and jailed. To counteract the overwhelming turnout of students, Connor had his forces train police dogs and fire hoses on the children. Still photographs captured the melee that ensued: one of a police dog, teeth bared, being restrained by a police officer to keep him from lunging at a teenage boy; another of fire hoses being trained on three children. After these images emerged in the media, more journalists and television news cameras descended on Birmingham and the televised images of confrontations were circulated throughout the nation and even the world.

To this I would add that Martin Luther King Jr.'s *I Have a Dream* speech wouldn't have reached across the world and reverberated through time if it hadn't been televised and recorded for future generations; nor would have John F. Kennedy's civil rights address. Sixty years later, technology has evolved exponentially, such that it would indeed make civil rights era activists drool with envy. Yet I've documented protests whose organizers didn't even reach out to the local newspaper or TV station; if not for my YouTube channel, their speeches would have fallen on deaf ears and been quickly forgotten.

Contemporary technology has done much more than spread awareness of local events; it has outright turned the civil rights battlefield into an abstract one which no longer strictly requires boots on the ground. Nowadays digital activists jack into the Matrix and zip through cyberspace, waging battles that even science-fiction visionaries three generations prior struggled to anticipate. Authors had foreseen digital dystopias in which governments controlled the flow of information; instead mass communications have turned ordinary citizens into instant content publishers and mundane clips into viral stories, such that even the Chinese and Russian governments' draconian censors struggle to stem the flow of public discontent.³

This chapter discusses civil rights protests and movements revolving around technology, in which activists fought back against the establishment with electron beams powered by mighty keystrokes. Reflect upon these as reminders that full-duplex mass communications enable even the most humble of civilians to fire back at government and corporate attempts to control the narra-

³"How protesters in China bypass online censorship to express dissent" (National Public Radio, 2022/12/08); "How Russia's New Internet Restrictions Work and How to Get Around Them" (The Moscow Times, 2025/08/06)

tive with retaliatory payloads of weaponized dissent.

DeCSS

The transition to digital media around the turn of the millennium was a mixed blessing for content publishers, since for better or worse their products suddenly became a lot easier to copy and distribute. The Compact Disc (CD) allowed for much better music quality and lower manufacturing costs, and for better or worse its contents could be transferred across devices with ease, which would later create a market for the ubiquitous iPod. On the other hand, the Internet had also made illicit distribution of copyrighted music a breeze, and soon indeed online music piracy became rampant, enabled notably by the peer-to-peer file sharing platform Napster.⁴

With the Digital Video Disc (DVD), the industry sought to avoid making the same mistake it did with the CD, with a twofold protection mechanism. One was the Content Scramble System (CSS), a digital rights management encryption system meant to prevent playback on unauthorized players, hence extraction to file, in an attempt to bind the disc's contents to its physical medium and restrict playback to a given region of the globe. The other was lobbying the American government for the *Digital Millennium Copyright Act (DMCA)* of 1998, which among other things criminalized defeating anti-circumvention mechanisms in digital media, such as of course CSS—yet another law that would make the average American a felon, as I'm about to explain.

⁴"Napster ruling: The legal issues" (British Broadcasting Corporation, 2001/02/13); see also *A&M Records, Inc. v. Napster, Inc.*, 239 F.3d 1004 (9th. Cir., 2001)

The protection did not hold for long. A decoding program called DeCSS was posted online in October 1999. It was written by a trio of programmers including Norwegian teenager Jon Lech Johansen, the remaining two anonymous. Johansen was raided by the police at his home in January 2000,⁵ then charged under a strained reading of a criminal statute which extended the prohibition of breaking into someone's tangible correspondence to digital documents. He was acquitted twice, after pleading the application was intended for fair use such as viewing one's legally acquired movies on unlicensed players, including those running on the open-source operating system Linux; the prosecution ultimately decided to drop the charges.⁶

But the legal saga would not end there. The American hacker quarterly magazine 2600 published DeCSS's source code, only to be swiftly sued by Universal City Studios for violating the DMCA's anti-circumvention provision. Publisher Eric Corley refused to abide by a preliminary injunction issued by the court and kept linking to websites hosting the infringing source code, calling his decision an act of "electronic civil disobedience". Corley lost both before the District Court and the Second Circuit Court of Appeals, despite his pleading the First Amendment and fair use, in rulings decried by civil liberties advocates.⁷

Of course the claimant's legal victory was an empty one, since DeCSS spread as quickly online as did illicit copies of copyrighted media. Unauthorized DVD playback applications flourished, in-

⁵"Norwegian teen raided by police in DVD suit" (CNN, 2000/01/25), "DVD hacker Johansen indicted in Norway" (The Register, 2000/01/10)

⁶"Teenager wins DVD court battle" (British Broadcasting Corporation, 2003/01/07); "DVD Jon wins again" (The Register, 2004/01/02); "Norwegian Police Won't Appeal Acquittal Of 'DVD Jon'" (CRN, 2004/01/05)

⁷"Copyright fight comes to an end" (CNET, 2002/07/03); see also *Universal City Studios, Inc. v. Corley*, 273 F.3d 429 (2d Cir. 2001)

cluding the very popular VideoLAN Client (VLC) which remains in widespread use nowadays. The media publishing industry failed to control in which region and on which player their customers view its products, ultimately a victory for fair use advocates—even though it was also a boon for online piracy.

The industry did not learn its lesson with the DVD. Toshiba introduced the Advanced Access Content System (AACS), a similar copy protection mechanism, in its ill-fated HD DVD (and rival Blu-ray disc which would long outlast it). Naturally, a decryption key was leaked in May 2007 and the now famous 09 F9 11 02 9D 74 E3 5B D8 41 56 C5 63 56 88 C0 sequence became ubiquitous in technology forums. Social bookmarking news aggregator Digg initially attempted to comply with a *DMCA* takedown notice, only to give up after its users massively rebelled and flooded the website with the sequence in ways intended to circumvent any filters.⁸ Founder Kevin Rose capitulated as follows:

Today was an insane day. And as the founder of Digg, I just wanted to post my thoughts...

In building and shaping the site I've always tried to stay as hands on as possible. We've always given site moderation (digging/burying) power to the community. Occasionally we step in to remove stories that violate our terms of use (eg. linking to pornography, illegal downloads, racial hate sites, etc.). So today was a difficult day for us. We had to decide whether to remove stories containing a single code based on a cease and desist declaration. We had to make a call, and in

⁸"User rebellion at Digg.com unearths a can of worms" (The Los Angeles Times, 2007/05/03); "HD DVD Battle Stakes Digg Against Futility of DRM" (Wired, 2007/05/03)

our desire to avoid a scenario where Digg would be interrupted or shut down, we decided to comply and remove the stories with the code.

But now, after seeing hundreds of stories and reading thousands of comments, you've made it clear. You'd rather see Digg go down fighting than bow down to a bigger company. We hear you, and effective immediately we won't delete stories or comments containing the code and will deal with whatever the consequences might be.

If we lose, then what the hell, at least we died trying.

Digg on,

Kevin

Fearing the Streisand effect,⁹ Toshiba wisely elected not to worsen the situation by taking Digg to court, which would have simply been a repeat of the DeCSS debacle.

WikiLeaks

People should not be afraid of their governments. Governments should be afraid of their people.

V for Vendetta (2004)

The crusade against digital rights management was a tempest in a teapot compared to the firestorm unleashed by WikiLeaks, the world's most controversial website by far.¹⁰ The nonprofit

⁹Jansen, Sue & Martin, Brian. (2015). *The Streisand Effect and Censorship Backfire*. International Journal of Communication. 9. 656-671; see also *Streisand v. Adelman et al.*, Case No. SC077257, Superior Court of California, County of Los Angeles

¹⁰Still available at the following URL: <https://www.wikileaks.org/>

organization was founded in 2006 by Julian Assange, who rallied investigative journalists to publish classified documents submitted by whistleblowers. Since then it has released over ten million files documenting a multitude of human rights violations by states and corporations worldwide.¹¹

Naturally, it has drawn the ire of the world's most powerful government like no other website ever has, for the sin of exposing its dirtiest secrets. The United States of America went ballistic against the organization following the release of incriminating documents leaked in 2010 by a military intelligence analyst, Private First Class Bradley Manning (nowadays known as Chelsea Manning), pertaining to the torture and mass murder of civilians in Afghanistan and Iraq.¹² Manning was convicted by a court-martial of multiple offences related to the unauthorized disclosure of state secrets, including the *Computer Fraud and Abuse Act* and the *Espionage Act*. She was sentenced to 35 years in prison,¹³ decried by observers as grossly excessive and disproportionate to any actual harm,¹⁴ in January 2017 President Barack Obama commuted her sentence to time served plus four months¹⁵—paradoxically a year before the United States Army Court of Criminal Appeals confirmed the lower court's sentence.¹⁶

Even this saga paled in comparison to the vendetta the Amer-

¹¹“Wikileaks: Document dumps that shook the world” (British Broadcasting Corporation, 2024/06/25)

¹²“Who is WikiLeaks suspect Bradley Manning?” (The Washington Post, 2011/05/08)

¹³“Bradley Manning Sentenced to 35 Years for Leaking Secrets” (ABC News, 2013/08/21)

¹⁴“Bradley Manning: a sentence both unjust and unfair” (The Guardian, 2013/03/21), “Bradley Manning’s Excessive Sentence” (The New York Times, 2013/03/21)

¹⁵“President Obama has commuted Chelsea Manning’s sentence” (The Verge, 2017/01/17)

¹⁶*United States v. Manning*, 78 M.J. 501 (U.S. Army Ct. Crim. App. 2018)

ican government waged against Assange himself. Shortly after Manning's arrest, Sweden made an extradition request to the United Kingdom, alleging two separate complaints of sexual assault, widely believed to be vindictive prosecution on behalf of the United States, in retaliation for his journalistic activities.¹⁷ United Nations Special Rapporteur on Torture Nils Melzer would later denounce the Swedish investigation as an abuse of process, citing lack of evidence, numerous irregularities, and the lack of formal charges—although an open letter signed by 319 human rights advocates decried some semantical arguments he made during an interview with *Russia Today* as insensitive and legally erroneous.¹⁸

Fearing extradition to the United States at the conclusion of those proceedings, Assange sought asylum at Ecuador's embassy, where he remained holed up for nearly seven years, from June 2012 to April 2019, until his host ultimately surrendered him to British authorities, claiming to be fed up with his paranoia and eccentric antics.¹⁹ I forgive him for being paranoid, given that Scotland Yard had besieged the embassy around the clock for the first three years attempting to capture him, at the cost of at least £11.1m, more fitting an operation for a high-profile terrorist than a mere sexual assault suspect; moreover, covert surveillance by the Metropolitan Police Service continued.²⁰ The Ecuadorian government itself spent a small fortune ensuring Assange's safety

¹⁷ "10 days in Sweden: the full allegations against Julian Assange" (*The Guardian*, 2010/12/17), "The Trials of Julian Assange: A View From Sweden" (*The Nation*, 2011/07/07)

¹⁸ "«A murderous system is being created before our very eyes»" (*Republik*, 2020/01/31); "Open letter in response to UN Special Rapporteur's op-ed on Julian Assange" (*Medium*, 2019/07/01)

¹⁹ "Julian Assange: Wikileaks co-founder arrested in London" (*British Broadcasting Corporation*, 2019/04/11)

²⁰ "Julian Assange: police removed from outside Ecuadorian embassy" (*The Guardian*, 2015/10/12)

during his stay, and had tentatively plotted his escape.²¹ The CIA even contemplated assassinating him in 2017.²²

Predictably the Swedish investigation was dropped in November 2019, mere months after Assange's capture by the British authorities.²³ However, immediately after his arrest the US government unsealed an indictment, filed by the Trump administration in 2018, accusing him of espionage by helping Manning breach into the Secret Internet Protocol Network for the purpose of leaking classified documents.²⁴ Manning refused to testify against Assange before a grand jury, for which she was found in contempt and jailed until the conclusion of those proceedings one year later.²⁵

The extradition proceedings went on interminably,²⁶ in a perfect example of the process being the actual punishment. Assange ultimately accepted a plea bargain in 2024 which immediately set him free, concluding an epic 14-year campaign of retaliation against the messenger but also setting a precedent undermining

²¹ "Revealed: Ecuador spent millions on spy operation for Julian Assange" (The Guardian, 2018/05/18)

²² "Kidnapping, assassination and a London shoot-out: Inside the CIA's secret war plans against WikiLeaks" (Yahoo! News, 2021/09/26)

²³ "Julian Assange: Sweden drops rape investigation" (British Broadcasting Service, 2019/11/19)

²⁴ "The charges against Julian Assange, explained" (Public Broadcasting Service, 2019/04/11)

²⁵ "Chelsea Manning jailed for refusing to testify about Wikileaks" (2019/03/08); "Appeals court rejects Chelsea Manning's effort to leave jail" (Public Broadcasting Service, 2019/04/22); "Chelsea Manning ordered released from jail" (The Washington Post, 2020/03/12)

²⁶ "Who is Julian Assange? Will the WikiLeaks founder be extradited to the US?" (Al Jazeera, 2024/02/20); see also *The Government of the United States of America v Julian Paul Assange*, [2021] EWHC 3313 (Admin)

press freedom.²⁷ As for the human rights violations evidenced in the Manning leaks, they have never been investigated, since from the US government's standpoint whistleblowing was the actual crime, one which it would have gone to any lengths to prosecute.²⁸

The Manning leaks, while the most notable, were far from being the only ones fuelling the debate on the disclosure of confidential information; exhaustive enumeration alone would require a whole chapter.²⁹ Among these were a July 2007 video from a US military helicopter showing the killing of civilians in Baghdad;³⁰ a quarter million American diplomatic cables;³¹ incriminating files exposing secrets of Guantanamo Bay's extralegal terrorist detention facility, including a list of detainees;³² over two million emails from Syria exposing shocking levels of foreign complicity in human rights abuse;³³ personal emails of then CIA director John Brennan;³⁴ troves of damaging emails taken from Hillary Clinton's

²⁷ "WikiLeaks founder Julian Assange freed by U.S. court after guilty plea" (Canadian Broadcasting Corporation, 2024/06/24); "'You can expect everything': what next for Julian Assange and WikiLeaks?" (The Guardian, 2024/06/28); "Julian Assange says he 'chose freedom over unrealisable justice'" (The Guardian, 2024/10/01)

²⁸ "Chelsea Manning's original revelations still need investigating" (Amnesty International, 2017/05/17)

²⁹ See for a sample of leaks not otherwise mentioned: "9 Canadian stories WikiLeaks helped bring to light" (Canadian Broadcasting Corporation, 2019/04/12)

³⁰ "Wikileaks reveals video showing US air crew shooting down Iraqi civilians" (The Guardian, 2010/04/05)

³¹ "Leaked Cables Offer Raw Look at U.S. Diplomacy" (The New York Times, 2010/11/28)

³² "WikiLeaks discloses new details on whereabouts of al-Qaeda leaders on 9/11" (The Washington Post, 2011/04/24); "WikiLeaks: Guantanamo Bay terrorist secrets revealed" (The Telegraph, 2011/05/25)

³³ "WikiLeaks releases 2.4 million Syria emails" (Australian Broadcasting Corporation, 2012/07/05)

³⁴ "WikiLeaks publishes personal emails of CIA director John Brennan after hacking" (Australian Broadcasting Corporation, 2015/10/21)

campaign chairman,³⁵ a leak construed by the US government as an attempt by the Kremlin to interfere with the 2016 presidential election;³⁶ nearly 300,000 email from Turkish President Recep Tayyip Erdogan's ruling Justice and Development Party (AKP);³⁷ a list of worldwide infrastructure sites critical to the United States' national security;³⁸ evidence that the US government had been spying on Japanese officials since 2006;³⁹ and even hacking tools used by the CIA to break into common electronic appliances, including smart televisions, thus realizing classical digital dystopias' most iconic prophecy.⁴⁰

And yet the most explosive US intelligence revelation of the WikiLeaks era isn't listed among these. In 2013, NSA contractor Edward Snowden reached out to The Guardian with a colossal cache of documents exposing the agency's mass spying on American citizens by storing phone call metadata.⁴¹ Snowden preferred the British newspaper to WikiLeaks because he felt apprehensive of the latter's lack of document redaction,⁴² widely perceived

³⁵ "The most revealing Clinton campaign emails in WikiLeaks release" (Politico, 2016/10/07); "18 revelations from Wikileaks' hacked Clinton emails" (British Broadcasting Corporation, 2016/10/27)

³⁶ "Clinton campaign dubs WikiLeaks 'Russian propaganda' after latest hack" (The Guardian, 2016/10/12); "US officially accuses Russia of hacking DNC and interfering with election" (The Guardian, 2016/10/08)

³⁷ "Turkey: WikiLeaks releases thousands of AKP emails" (Al Jazeera, 2016/07/19)

³⁸ "WikiLeaks publishes list of worldwide infrastructure 'critical' to security of U.S." (NBC News, 2010/12/06)

³⁹ "WikiLeaks: US Spied on Japan Since 2006" (Voice of America, 2015/07/31)

⁴⁰ "Wikileaks: CIA has tools to snoop via TVs" (British Broadcasting Corporation, 2017/03/07)

⁴¹ "NSA collecting phone records of millions of Verizon customers daily" (The Guardian, 2013/06/06); "NSA files: decoded; What the revelations mean for you." (The Guardian, 2013/11/01)

⁴² "Snowden and WikiLeaks Clash Over How to Disclose Secrets" (The New York Times, 2016/07/29)

among journalists as negligent and reckless.⁴³ Nevertheless, WikiLeaks enabled his flight from Hong Kong to Russia,⁴⁴ where ironically he sought asylum,⁴⁵ before he could be deported to the United States to answer accusations of espionage.

The American government went to absurd lengths in its attempt to capture Snowden, just like it did for Assange. In July 2013, it went as far as having France, Spain, Portugal, and Italy close their airspace to Bolivia President Evo Morales' plane and forcing its landing in Austria under suspicion that it might be harbouring the fugitive in order to grant him asylum, causing an international diplomatic row.⁴⁶ Julian Assange later claimed to have spread false information in order to deceive American intelligence.⁴⁷

The American Civil Liberties Union (ACLU) sued Director of National Intelligence James Clapper over the constitutionality of the surveillance program. In May 2015, the Second Circuit Court of Appeals overruled the District Court's decision dismissing the complaint and denying a preliminary injunction.⁴⁸ By then the scandal had grown such that Congress passed the *USA Freedom Act* of 2015, curbing the program by having phone services providers hold onto the metadata, as opposed to the government itself, and

⁴³"WikiLeaks publishes full cache of unredacted cables" (The Guardian, 2011/09/02)

⁴⁴"Snowden affair puts Wikileaks back into spotlight" (British Broadcasting Corporation, 2013/06/28)

⁴⁵"Edward Snowden Makes No-Leak Promise in Asylum Bid: Lawyer" (ABC News, 2013/07/16)

⁴⁶"Bolivia: Presidential plane forced to land after false rumors of Snowden onboard" (CNN, 2013/07/03); "Snowden case: France apologises in Bolivia plane row" (British Broadcasting Corporation, 2013/07/03)

⁴⁷"Assange on the Untold Story of the Grounding of Evo Morales' Plane During Edward Snowden Manhunt" (Democracy Now!, 2015/05/28)

⁴⁸"NSA's phone spying program ruled illegal by appeals court" (Reuters, 2015/05/07); see also *American Civil Liberties Union v. Clapper*, 785 F.3d 787 (2nd Cir., 2015)

by imposing a fairer warrant approval process on the Foreign Intelligence Surveillance Court (FISA).⁴⁹ The NSA shut down the surveillance program altogether by 2019.⁵⁰

Efforts to address the derives which stemmed from abusive prosecution under the *Espionage Act* following Manning's leaks have in contrast been unsuccessful. The best attempt was the introduction of the *Espionage Act Reform Act* of 2022, which unfortunately died in committee in both chambers of Congress. The *Act* would have limited its scope to individuals granted credentials by the government under a nondisclosure agreement, which would at least have spared Assange.

Sadly, WikiLeaks' legacy is marred by controversy, scandal, infighting, failed endeavours like the Australian WikiLeaks Party,⁵¹ and arguably even blame for Trump's first presidential term.⁵² Worst of all, it has dishearteningly little to show for in terms of legislative impact and accountability for state-sponsored human rights violations, given the scale of its revelations and resulting shock.⁵³

Instead of meaningful reform, the United States chose unhinged retaliation against dissenters, delivering plots so epic that they wouldn't look out of place in spy movies, inspiring the biographical documentaries *The Fifth Estate* (2013), *Snowden* (2016),

⁴⁹ "Congress passes NSA surveillance reform in vindication for Snowden" (The Guardian, 2015/06/03)

⁵⁰ "Disputed N.S.A. Phone Program Is Shut Down, Aide Says" (The New York Times, 2019/03/04)

⁵¹ "Is the party over for Julian Assange and WikiLeaks?" (The Conversation, 2013/08/22)

⁵² "WikiLeaks just tried to justify its behavior this year in a bizarre Election Day statement" (Vox, 2016/11/08)

⁵³ "What's really changed 10 years after the Snowden revelations?" (The Guardian, 2023/06/07); "Assange's Case Shows Why Reforming the Espionage Act Is Imperative for Press Freedom" (The Nation, 2024/07/11)

and *The Six Billion Dollar Man* (2025).⁵⁴ Reality isn't nearly as romantic as depicted in dramatizations, however, especially when activism intersects with partisan politics, a peril I warn about in Chapter 8.

Aaron Swartz

There is no justice in following unjust laws. It's time to come into the light and, in the grand tradition of civil disobedience, declare our opposition to this private theft of public culture.

The Guerilla Open Access Manifesto

Not every episode of government retaliation against hacktivists is a cloak-and-dagger novel. Here's the tragic story of an outstanding civil rights advocate who denounced overreaching digital laws only to be targeted with one.⁵⁵ By making him a martyr, the US government pleaded his case better than he ever could have on his own.

Aaron Swartz was a computer science prodigy who taught himself programming at a very young age, even for one among computer wizards of his generation. The young entrepreneur quickly became obsessed with the World Wide Web, and contributed to the advent of the so-called Web 2.0 with technologies like Really Simple Syndication (RSS) to download summaries of blog posts; the Python programming language website framework web.py; and In-fogami, a flexible content management system designed to create

⁵⁴ "The Fifth Estate - review" (The Guardian, 2013/10/10); "Review: 'Snowden,' Oliver Stone's Restrained Portrait of a Whistle-Blower" (The New York Times, 2016/09/15); "The Six Billion Dollar Man review - WikiLeaks founder Julian Assange's rise, fall and limbo" (The Guardian, 2025/05/21)

⁵⁵ "The Brilliant Life and Tragic Death of Aaron Swartz" (Rolling Stone Magazine, 2013/02/15)

rich and visually interesting websites, which later merged with social media platform Reddit.⁵⁶

But Swartz wouldn't be remembered so fondly today solely for his technological contribution to the Internet. He also championed open access to information and copyright reform, starting with the Creative Commons set of licences granting end users certain rights to use and distribute works, a middle ground between traditional copyright and public domain. Then in 2006 he co-founded Open Library, an online catalogue intended to list every book ever published, in partnership with the Internet Archive.

Swartz was frustrated that the world's repository of scientific and technological literature was being held behind paywalls by a handful of corporate publishers keeping it beyond the reach of the masses. This model was simply incompatible with the mindset of pioneers like him who had built the free and open Internet.

In fact, he even bemoaned that the federal government's Public Access to Court Electronic Records (PACER) program charged a fee to download publicly available legal texts, arguing that the law should be made available for free. So in September 2008 he downloaded about 2.7 million federal court documents from the network with an automated script, borrowing credentials from a Sacramento library in order to evade the fee.⁵⁷ The FBI investigated but declined to charge him, reasoning instead that the documents were indeed public property therefore no crime had been committed.

Swartz used the stunt to push for the *Open PACER Act* of 2013, but it failed to gain traction; it was resurrected in 2020 as the *Open Courts Act*, then passed by the House of Representatives only to

⁵⁶ "How Aaron Swartz helped build the Internet" (CNN, 2013/01/15)

⁵⁷ "The inside story of Aaron Swartz's campaign to liberate court filings" (Ars Technica, 2013/02/08)

languish in a Senate committee. That being said, PACER fees were deemed illegally excessive by the Second Circuit Court of Appeals in August 2020.⁵⁸

The activist was only getting warmed up. While a student at the Massachusetts Institute of Technology (MIT), he next went after nonprofit organization Journal Storage (JSTOR), a vast library of academic journal articles, whose underlying model he criticized for reselling publicly-funded research for outrageously high fees, putting those papers beyond the reach of all but a wealthy few.

Once again he used the MIT's credentials as a loophole to automate downloading articles without paying any fees. In a sense it was legal, but it violated the university network's terms of service, which forbade bulk transfer of documents using scripts. Network administrators repeatedly blocked his computer's address, but such a measure was trivial for the hacktivist to work around.

This time though, he wouldn't just get away with it. In January 2011, the administrators found Swartz's laptop connected straight to the network in a closet, but instead of disconnecting it they installed a camera in order to catch him red-handed, at the behest of the Secret Service. He was arrested shortly after for breaking and entering, and later charged with a total of thirteen felonies for abusing the network.

Swartz was actually accused of violating the *Computer Fraud and Abuse Act (CFAA)*, which indeed criminalized infringing upon a network's terms of service—you know, that cryptic legalese preamble everybody skips by clicking 'I agree' without actually reading it, and which the service provider can unilaterally change afterward without notice anyway. To illustrate the law's absurd

⁵⁸"Appeals court rules 10¢-a-page charge for court documents is too high" (Ars Technica, 2020/08/07); see also *National Veterans Legal Services Program v. United States*, No. 19-1081 (Fed. Cir. 2020)

implications, let's point out that these commonly prohibit the use of profanity,⁵⁹ such that using swear words in user-generated content amounts to a felony under a literal reading of the *CFAA*; on this basis, most of us would end up behind bars for the next thousand years at least. Fortunately this rigid interpretation has been struck down in March 2020 by the US District Court for the District of Columbia,⁶⁰ then again in a different case by the Supreme Court in June 2021.⁶¹

But back in 2011 the matter remained unsettled, which made it the ideal trap for the government to retaliate against Swartz for his political activism. This explains the rapid involvement of the Secret Service and ensuing rabid prosecution of *de minimis* offences even JSTOR implored the Department of Justice (DOJ) not to pursue.

Swartz suddenly found himself in severe legal jeopardy, risking thirty-five years in prison and a million dollars in fines, for bending the rules in a way that caused no harm whatsoever, because he had become overly political from the government's standpoint. The retaliation would embolden him further, to speak against emerging bills cracking down on online copyright violations such as the *Stop Online Piracy Act (SOPA)* and the *PROTECT IP Act (PIPA)* introduced later that year. Both died following an intense online campaign of retaliation spearheaded by Swartz,⁶² which included

⁵⁹For example: "YouTube Updates Profanity Rules And It Could Impact The Ad Revenue Podcasters Get There." (PodcastNewsDaily, 2026/02/20)

⁶⁰"What removing legal threat to research that exposes online discrimination means" (University of Michigan News, 2011/04/03); see also *Sandvig v. Barr*, 451 F.Supp.3d 73 (D. D.C. 2020)

⁶¹"The Supreme Court pared down a controversial anti-hacking law" (The Verge, 2021/06/05); see also *Van Buren v. United States*, 593 U.S. 374 (2021)

⁶²"How Aaron Swartz Joined The Fight Against SOPA" (BuzzFeed, 2013/01/18); "Watch Aaron Swartz Explain 'How We Stopped SOPA'" (Mashable, 2013/01/14)

a petition which gathered seven million signatures and a one-day January 2012 Internet blackout protest joined by major websites like Wikipedia and Google.⁶³

But the ongoing prosecution would be his undoing. The financial and psychological toll on him had been such that he committed suicide in January 2013, three months ahead of trial, at the age of 26.⁶⁴ His legacy is such that the Internet itself went into mourning afterward, and even inspired the documentaries *The Internet's Own Boy: The Story of Aaron Swartz* (2014) and *Killswitch* (2014).

Congress demanded that the DOJ explain its vindictive prosecution of the outspoken activist.⁶⁵ Swartz's death triggered a sustained campaign to reform the CFAA, starting with a bill named after him which died in committee in both chambers, and only ceased when the court system curbed the CFAA's unconstitutionally vague language.

I would like to conclude his story by quoting from one of his speeches, which would make a fitting epitaph:

It's easy sometimes to feel like you're powerless, like when you come out on the streets and you march and you yell, and nobody hears you. But I'm here to tell you today: You are powerful.⁶⁶

Aaron Swartz

⁶³"SOPA petition gets millions of signatures as internet piracy legislation protests continue" (The Washington Post, 2012/01/20); "Sopa blackout and day of action - as it happened" (The Guardian, 2012/01/18)

⁶⁴"Aaron Swartz, Reddit Co-Founder And Online Activist, Dies At 26" (National Public Radio, 2013/01/12)

⁶⁵"Lawmakers slam DOJ prosecution of Swartz as 'ridiculous, absurd'" (The Hill, 2013/01/15); "U.S. House watchdogs want explanation of Aaron Swartz prosecution" (The Los Angeles Times, 2013/01/29)

⁶⁶"'You are powerful': Missing and remembering Aaron Swartz" (wbur, 2023/01/13)

Chapter 8

Beware the partisan politics swamp

Write in 'None of the above' on your ballot. Don't vote for any of us.
We're assholes. We'll only make things worse.

Brewsters' Millions (1985)

Never trust a politician.

It shouldn't have to be said. Everybody knows politicians are self-serving bastards, compulsive liars, and rabid pack animals unworthy of trust. This has been the object of countless scandals and endless satire, from Antiquity to this day. I dare go as far as saying that anyone of voting age who still believes what any politician says should undergo compulsory cult deprogramming—my apprehension toward curbing civil liberties be damned.

This isn't hyperbole. We live in the post-sanity era of Donald Trump, a demented fossil who somehow mesmerized over 77 million American voters into sending him back to the Oval Office in 2024,¹ despite his outright calling for an insurrection rather than conceding defeat in the 2020 presidential election.² A people that believes any part of whatever this convicted felon and raving lunatic farts with his mouth deserves a collective diagnosis of

¹"How Trump Won" (Time Magazine, 2024/11/06)

²"The 5 key elements of Trump's Big Lie and how it came to be" (CNN, 2021/05/19)

paranoid schizophrenia and prophylactic red pills shoved down everybody's throat.

And this phenomenon isn't limited to the United States of America. Think Brazil's former president Jair Bolsonaro, who was charged with plotting a coup d'état, yet still enjoys massive support from his base calling for his release.³ Think Peru's former president Pedro Castillo, who declared a state of emergency in order to prevent his impeachment by Congress,⁴ yet his supporters massively rallied behind him after his arrest.⁵ Think South Korea's former president Yoon Suk Yeol, who also declared martial law after attempting to manufacture a scuffle with North Korea,⁶ yet remained popular enough for his supporters to riot in retaliation.⁷ And all of these crises occurred within the past five years, in democratic countries.

The masses know they're being bamboozled by politicians, yet they keep asking for more. I call this collective insanity. Pioneers of voting rights must be turning in their graves.

And activists are by far the biggest suckers of all, going as far as volunteering to get these sleazebags elected. Think Turning Point USA, with over 650,000 lifetime student members scattered over 3000 college and university campuses, all dedicated to supporting Republican politicians—including of course Donald Trump—and whose polarizing founder Charlie Kirk became a martyr for the

³"How the coup trial of Jair Bolsonaro has divided Brazil" (British Broadcasting Corporation, 2025/09/08)

⁴"Peru's President Tried to Dissolve Congress. By Day's End, He Was Arrested." (The New York Times, 2022/12/07)

⁵"Outside a Peru Prison, Protesters Demand Justice for Their Ousted President" (The New York Times, 2022/12/15)

⁶"Yoon trial begins over Pyongyang drone allegations" (The Korea Times, 2025/12/01)

⁷"Supporters of South Korea's impeached President Yoon riot over his formal arrest" (Public Broadcasting Corporation, 2025/01/19)

cause when he was assassinated in September 2025 at a political rally.⁸

In principle, I never join an organization openly supporting candidates for office, and neither should you. Yet activists are advocates. Advocates are diplomats. And diplomats shake hands with the enemy. Which means as an activist, you will shake hands with politicians. Keep in mind though that these people aren't your friends, so be wary of being used by them for political purposes; try to use them for your purposes instead, and make them the suckers.

If you can't beat them, join them

Have you ever wondered why our leaders are the worst to begin with? This is of course a question pondered since Biblical times, specifically in Judges 9:8-15:

The trees set out to anoint a king over themselves.
They said to the olive tree, 'Reign over us.'

"But the olive tree said to them, 'Should I stop producing my oil, with which they honor God and man by me, and go to wave back and forth over the trees?'

"The trees said to the fig tree, 'Come and reign over us.'

"But the fig tree said to them, 'Should I leave my sweetness, and my good fruit, and go to wave back and forth over the trees?'

"The trees said to the vine, 'Come and reign over us.'

⁸"How Charlie Kirk helped shape a conservative force for a new generation" (Public Broadcasting Corporation, 2025/09/10)

"The vine said to them, 'Should I leave my new wine, which cheers God and man, and go to wave back and forth over the trees?'

"Then all the trees said to the bramble, 'Come and reign over us.'

"The bramble said to the trees, 'If in truth you anoint me king over you, then come and take refuge in my shade; and if not, let fire come out of the bramble, and devour the cedars of Lebanon.'⁹

In short, we have the leaders we deserve, because we don't run for office ourselves. For all our bravado, in the end we're cowards.

Of course you may think you can't run for office. I myself could come up with fifty different excuses, starting with being a disabled government suckup living in a supportive housing complex, who can hardly take care of himself, and at this rate may not live to the age of retirement. Well, I'm about to run for office anyway, because I'm tired of trying to figure out what exactly it is going to take to break our elected representatives' will to fight—only to be replaced by the next wave of wannabe autocrats. And if you think my campaign is a Hail Mary, well I knew someone who ran for Victoria's city council while homeless. So what's your excuse.

You may argue that you don't know anything about politics. I say that if you know anything about activism, that's a good start. From there I would only recommend one political treatise: a manga titled *Sanctuary*, by Fumimura and Ikegami. It's about two Japanese men who, back when they were mere orphan boys, survived Cambodia's Khmer Rouge regime by fleeing a forced labour camp until they reached the Thai border. Out of dismay

⁹*World English Bible*, released into the public domain by Michael Paul Johnson in 2020

over Japan's contrasting state of decadence, they choose to take over the country with a wild gamble: one takes the high road and becomes a politician, the other the low road and does all the dirty work as a yakuza. The following panels highlight the clear link between politics and activism:



"Because politics is about fighting. A mouse can roar but to the cat it sounds like squealing. The cat can roar but to the lion it sounds like squealing. So every one of us becomes a lion. That is the primary goal of this political studies group." Source: *Sanctuary tome 2*, by Fumimura and Ikegami (Shogakukan, 1992). Used without permission under the fair dealing exemption of Canada's *Copyright Act*. If you believe your copyright is being violated, sue me.

Seriously, an activist is a criminal who gets away with it. Activism and politics aren't so different from karate, or organized crime for that matter, so you already know the basics. Read the whole manga for details (English translation published by Viz Graphics, for those of you who can't read Japanese).

To expand on this angle, consider the duality between political and militant branches of revolutionary movements, such as Ireland's *Sinn Féin* and the Ireland Republican Army (IRA), or the Colombian Communist Party and the *Fuerzas Armadas Revolucionarias de Colombia* (FARC). Likewise, it is common for environmental activist groups to ally with their local Green Party, for example. A political branch provides activists with legitimacy, without which they would be exposed in the court of public opinion, just like without such support armed revolutionary groups would be mere terrorists and criminal gangs.

Of course you're waiting for the catch. If it were so simple, then activists would have long done it and taken over the world, right? Well, in a sense they did take on the world, and that's where the picture gets murky. Because you should indeed never trust a politician, even one with an activist background. Seriously, not even Nobel Peace Prize laureate Maria Corina Machado, Venezuela's opposition leader bravely standing up to the Maduro regime—if only because she's aligned with Donald Trump and shockingly dedicated her prize medal to him,¹⁰ in the misguided political gamble that the enemy of her enemy is her friend.

David Eby versus Anjali Appadurai

In October 2022, I attended a press conference at the Legislative Assembly of British Columbia in Victoria, called by British Columbia New Democratic Party (BC NDP) leadership candidate Anjali Appadurai in response to her candidacy being rejected by the party executive mere hours before the scheduled vote, thereby

¹⁰“Venezuela's Machado gave Trump her Nobel prize. In return she received a swag bag but no promise of support” (CNN, 2026/01/16)

electing Premier David Eby by acclamation in a blatantly antidemocratic fashion.¹¹

Since the event started hours late, I had ample opportunity to chat with Appadurai's supporters, mostly volunteers of the political activist group Dogwood, some of whom had been ardent supporters of Eby in the old days of the NDP, only for him to become their biggest disappointment.

David Eby rose to prominence as a civil rights lawyer, first working for the Pivot Legal Society, then as the executive director of the British Columbia Civil Liberties Association (BCCLA). He continued to champion progressive values and social justice as Attorney General under then Premier John Horgan, who a few years later left politics amid public backlash,¹² and Eby was propelled upward to premiership by the resulting vacuum.¹³

But by then the NDP was no longer an upstart party championing progressive values. It had grown into the establishment, and repudiated its previous ideology in favour of corporate agendas. Eby's reversals on the opioid crisis and carbon tax in particular had his erstwhile supporters feeling outright betrayed by a former paragon of justice.¹⁴

This paved the way to Anjali Appadurai's candidacy for party leader, who ran primarily as a climate activist and espoused a vision of returning the NDP to its roots.¹⁵ For this purpose she

¹¹"B.C. NDP ousts Anjali Appadurai from leadership race, paving way for David Eby to become premier" (Canadian Broadcasting Corporation, 2022/10/19)

¹²"B.C. Premier John Horgan announces he will step down in the fall" (The Globe and Mail, 2022/06/28)

¹³"Former activist David Eby has 'a reputation for getting things done' and clear path to becoming premier" (Canadian Broadcasting Corporation, 2022/07/20)

¹⁴"What's Pushing Eby to Change His Positions?" (The Tyee, 2024/09/23)

¹⁵"Anjali Appadurai: 'A Total Reframing Is Needed'" (The Tyee, 2022/08/18)

harnessed Dogwood and 350.org to crowdfund her campaign, a point of contention with the party leadership which called out the tactic as a breach of election law and used it as an excuse to terminate her race, perceived as a hostile takeover.¹⁶ Appadurai's supporters seethed at this assertion, rich indeed coming from a party actually hijacked by corporate interests.

Appadurai accepted the decision with philosophy, and decided to remain in the NDP in an attempt to change the party from within.¹⁷ This gave me the impression that she wasn't actually serious about championing the values of her supporters and instead prioritized her career prospects; otherwise she would have left the party in outrage and started her own political faction, or challenged her disqualification in court. Her supporters may have indeed been suckered into backing the next David Eby instead, as I'm about to explain.

Steven Guilbeault

Perhaps the above two don't really count as activists in your playbook because they didn't rock the boat hard enough. So let's make our next subject someone who rose all the way from stunt performer to environment minister.

Steven Guilbeault started his career in 1992 by joining the Canadian Human Rights Foundation (nowadays Equitas), an organization training human rights defenders worldwide. He then moved on by co-founding Action for Solidarity, Equity, Environment and Development (ASEED; nowadays Équiterre), and later joined Greenpeace's crusade against climate change. Already by

¹⁶ "NDP Bars Appadurai's Leadership Bid" (The Tyee, 2022/10/20)

¹⁷ "Anjali Appadurai says she will stick with NDP despite her disqualification from leadership race" (Canadian Broadcasting Corporation, 2022/10/20)

then his résumé dwarfed that of David Eby prior to the latter's foray into provincial politics, and he was just getting warmed up.

Guilbeault rose to fame for two spectacular actions. In 2001, he climbed the CN Tower (at the time the world's tallest construct) with a fellow activist and dropped a banner reading "Canada and Bush Climate Killers" from 340-metre high, for which they were charged with trespass and public mischief and received conditional discharges.¹⁸ Then the next year he, as part of a Greenpeace crew, climbed Alberta Premier Ralph Klein's home roof to install solar panels, and dropped another banner reading "Solar Fights Drought. Kyoto Now" (alluding to the Kyōto Protocol, an international treaty to reduce greenhouse gas emissions).¹⁹

He went on to work for the government of Québec in various capacities. By the time he made the controversial decision to run for office under the banner of the Liberal Party of Canada in 2019,²⁰ he was already proving impossible to ignore in political circles, and immediately earned the position of Canadian Heritage minister upon being first elected.²¹ Talk about a dream career path for a modest activist.

But the dream wouldn't last, as multiple controversies tarnished his reputation among supporters. For starters, he backed the *Online Streaming Act*, which was sharply criticized for its potential to stifle free speech on social media by classifying those platforms as online broadcasters for the purpose of the

¹⁸"CN Tower climbers ordered to pay costs" (The Globe and Mail, 2002/09/06)

¹⁹"Greenpeace installs solar panels on premier's roof" (Canadian Broadcasting Corporation, 2002/04/11)

²⁰"Traitor or 'radical pragmatist'? Environmentalist fights to sell Liberal climate change plan" (National Post, 2019/10/17)

²¹"Trudeau expands cabinet, promotes seven rookies and shakes up existing ministers" (CTV News, 2019/11/20)

Broadcasting Act. Former commissioner of the Canadian Radio-Television and Telecommunications Commission (CRTC) Peter Menzies lamented that “granting a government agency authority over legal user generated content—particularly when backed up by the government’s musings about taking down websites—doesn’t just infringe on free expression, it constitutes a full-blown assault upon it and, through it, the foundations of democracy.”²²

Guilbeault was promoted to environment minister in 2021, a tenure which also proved contentious. The next year he reluctantly approved the Bay du Nord offshore drilling project, about as popular among environmentalists as shigella infections.²³ Naturally, Ecojustice immediately filed a legal challenge to the legislation, doing so on behalf of the Sierra Club of Canada and... Équiterre, which Guilbeault co-founded as mentioned earlier.²⁴

In an ugly breakup with Prime Minister Mike Carney, Guilbeault resigned as environment minister in late 2025 over an Alberta energy deal which he denounced as the last straw.²⁵ While it’s nice to see him finally get a backbone, the morale of the story is that the only ethical course of action for an activist politician who joined an establishment party is to indeed resign.

²²“Ottawa’s move to regulate video posts on YouTube and social media called ‘assault’ on free speech” (National Post, 2021/04/26)

²³“Steven Guilbeault, between The Rock and a hard place” (Politico, 2022/04/13)

²⁴“Environmental groups take federal government to court over Bay du Nord”, (Canada’s National Observer, 2022/05/11); see also *Sierra Club Canada Foundation v. Canada (Environment and Climate Change)*, 2023 FC 849 (CanLII)

²⁵“Alberta energy deal was ‘the last straw,’ says Guilbeault after cabinet resignation” (Canadian Broadcasting Corporation, 2025/12/01)

Mohamed Morsi

Here's a parallel with some of the pioneers mentioned in this book, especially Nelson Mandela (see Chapter 1), if not for the fact that this one instead disgraced himself upon reaching the apex of power. Both Mandela and Morsi had a poor upbringing, then pursued a Western education, became activists challenging the establishment's civil rights violations, were branded criminals and spent time in prison, only to rise as presidents of their respective countries. If only Morsi had died at that point, he would be fondly remembered as yet another folk hero who deserved a posthumous Nobel Peace Prize, would there be such a thing.

One could argue that Morsi began his political career with the best of intentions, being to advance religious freedom in Egypt, harshly curbed under secular military dictatorship. He got elected to Parliament in 2000, officially as an independent since the Muslim Brotherhood was outlawed.²⁶ Following the fall of the Hosni Mubarak in 2011 during the Arab Spring wave of civil unrest and revolutions that swept the Middle East, Morsi and other formerly 'independent' politicians formed the Freedom and Justice Party and seized power in the country's first democratic elections, espousing a platform of "freedom, social justice, and equality" inspired by Sharia law.

Never in my knowledge has such a golden opportunity to advance social justice been more appallingly squandered than by the Morsi presidency.²⁷ The Egyptian people had high hopes for the new government, millions having one year ago braved the military regime of Mubarak by massing at Tahrir Square in Cairo

²⁶ "Profile: Mohamed Morsi" (Al Jazeera, 2013/07/21)

²⁷ "The End of Muslim Brotherhood Rule in Egypt" (Carnegie Endowment for International Peace, 2013/08/01)

in January 2011.²⁸ They certainly did not expect to come back in June 2013, barely one year after Morsi's election, demanding his resignation—and ironically the return of military rule.²⁹

But Morsi just couldn't help himself, and his own autocratic ambitions quickly surfaced. He assumed absolute power pending the ratification of the upcoming republic's constitution,³⁰ a decree which he had to rescind amid public outcry.³¹ The president nevertheless alienated his allies by acting like a dictator,³² concentrating power in the hands of the Muslim Brotherhood and pushing for a disproportionate role for Sharia in the legislative process. His tone-deaf approach to governance earned him the derogatory moniker of "new pharaoh" by detractors fearing the utter collapse of secular society and the rule of law, while in contrast failing to placate the hardline Salafist faction which formed the main opposition.

Naturally he was himself overthrown in another coup d'état, and his diehard supporters, defiant to the end, were crushed in August at the massacre of Rabaa, where hundreds were killed or wounded.³³ He was succeeded in 2014 by General Abdel Fattah el-Sisi, who ruthlessly ruled Egypt henceforth by outlawing unsanctioned protests and resuming persecution of the Muslim Brother-

²⁸"Remembering Tahrir Square, 10 years on" (Al Jazeera, 2021/01/25)

²⁹"Protesters across Egypt call for Mohamed Morsi to go" (The Guardian, 2013/06/30)

³⁰"Egypt's President Morsi takes sweeping new powers" (Washington Post, 2012/11/22)

³¹"Egypt's Morsi rescinds controversial decree" (Al Jazeera, 2012/12/09)

³²"Why Did Ousted Egyptian President Morsi Lose Power?" (JSTOR Daily, 2019/06/27)

³³"All According to Plan: The Rab'a Massacre and Mass Killings of Protesters in Egypt" (Human Rights Watch, 2014/08/12)

hood.³⁴ As for Morsi, he died in prison in June 2019,³⁵ years into a judicial saga which had him condemned to lengthy prison sentences and even death, the latter which was overturned amid allegations of glaring irregularities in the proceedings, decried by human rights groups worldwide.

Some political commenters have since attempted to redeem Morsi,³⁶ but I will always remember him as yet another opportunistic politician who conspired to replace one dictatorship with another and failed because he was too dense to read the room.³⁷ Let that be yet another reminder that politicians should never be trusted, even when they champion civil liberties—and the alternative is military dictatorship.

Rainbow Eyes

Still looking for a unicorn? Then at least take your chances with one that remains an activist even as a political leader. Which takes me to Green Party of Canada deputy leader Rainbow Eyes.

Indigenous activist Angela Davidson rose to prominence with repeated acts of civil disobedience at Fairy Creek between May 2021 and January 2022, by disrupting forestry company Teal Jones' old growth forest cutting activities. She was subsequently convicted of contempt of court for defying an injunction and sentenced to 60 days in jail, reduced to 51 days by the Court of Appeals.³⁸ She further appealed to the Supreme Court of Canada,

³⁴"Egypt President Abdul Fattah al-Sisi: Ruler with an iron grip" (British Broadcasting Corporation, 2020/12/01)

³⁵"Mohamed Morsi, ousted president of Egypt, dies in court" (The Guardian, 2019/06/17)

³⁶See for example "Was Mohamed Morsi Really an Autocrat?" (The Atlantic, 2014/03/31)

³⁷"Morsi's struggle for 'legitimacy'" (Al Jazeera, 2023/07/03)

³⁸*R. v. Davidson*, 2025 BCCA 111 (CanLII)



Rainbow Eyes (centre, wearing a hat and holding a drum between her feet) arriving at Nanaimo Courthouse for first day of sentencing hearing in April 2024.

on the grounds that the Court of Appeals decision insufficiently weighed the Gladue³⁹ factors, which pertain to the lasting impacts of colonialism on indigenous peoples;⁴⁰ the court declined to hear the case.⁴¹

I met Rainbow Eyes in person at the Nanaimo Courthouse in April 2024, on the first day of her sentencing hearing. She struck me at first glance as someone incapable of malice. It is worth noting that, although she ran for Member of Parliament for the Northwest Territories in 2025, she utterly lost the election (in fourth place, getting just one percent of the votes), and has actually never held public office. I am inclined to conclude that such a unicorn lacks crucial traits to actually win an electoral

³⁹*R. v. Gladue*, 1999 CanLII 679 (SCC), [1999] 1 SCR 688

⁴⁰"N.W.T. Green Party candidate appeals 51-day sentence for Fairy Creek protests to Supreme Court of Canada" (Canadian Broadcasting Corporation, 2025/04/10)

⁴¹"Supreme Court not hearing Green Party deputy leader's appeal over Fairy Creek protests" (Canadian Broadcasting Corporation, 2025/09/20)

race—unlike Green Party of Canada leader Elizabeth May, whose reputation was marred by allegations of workplace bullying.⁴²

Trust me instead?

But then I'm the exception, trust me. I'm an earnest activist politician, with the fighting spirit needed to break through in the political arena. My bedside book is *Il Principe* by Niccolò Machiavelli—in medieval Italian at that—so I know how to win and be a compassionate ruler. Of course I never lie, and those who claim otherwise either misunderstand or misrepresent me. Seriously, I am a rainbow unicorn. There's never been a rainbower unicorn in the history of this country, and naysayers are the worstest of the worst. So make this country greater than ever by voting for me!

Oh, you're concerned about the statements I made first thing in this chapter? Come on, there's no way I would actually have anyone of voting age who still believes what any politician says undergo compulsory cult deprogramming while shoving red pills down their throats. I was obviously just kidding. It's all part of the game.

Right?

⁴²"Green Party Leader Elizabeth May orders investigation into allegations she bullied staff" (Canadian Broadcasting Corporation, 2018/01/29)

Chapter 9

All Cops Are Bastards

Tom Ludlow: "What happened to just locking up bad people?"

Captain Jack Wander: "We're all bad, Tom."

Street Kings (2008)

ACAB. Spend any long in activist circles, and you'll see that acronym all over. Because law enforcement officers are lawbreakers' natural enemies.

While distaste of cops is nearly unanimous, activists differ greatly on how to approach them. On one end are advocates embracing diplomacy and even entertaining a cordial relationship with the police, in an attempt to lull it into complacency. On the other end are those who bristle at the slightest suggestion of dialogue and brand outliers as outright traitors.

I stand somewhere in the middle. An activist is an advocate. An advocate is a diplomat. And a diplomat shakes hands with the enemy. If you're serious about taking on the system, you will shake hands with cops, however repugnant the prospect. As a legal advocate, I did shake hands with cops, even as I heckled them.

The police's reputation for recruiting bastards is well deserved. Even discounting the wealth of studies asserting a higher preva-

lence of psychopathic traits among police recruits,¹ it should be considered common sense that law enforcement is an attractive career prospect for schoolyard bullies and authoritarian predators alike.

Just here in Victoria, both police and bylaw enforcement officers have denounced their respective workplace environments as toxic.² Our Royal Canadian Mounted Police (RCMP) has been the subject of more scandals than I care to list, including complaints of rampant nudity, sexual harassment, and bullying at its Ottawa explosives training unit;³ female officers suffering shocking levels of sexual assaults;⁴ and allegations of gratuitous brutality in suppressing Fairy Creek protests.⁵ I swear I could write a whole book on police misconduct committed in Canada in recent years alone.

This is of course to be expected. Law enforcement officers' job description is to go after the worst that society has to offer, from child predators to serial killers, and from mobsters to terrorists. One has to be a psychopath to embrace the job, and an outright sadist to find fulfillment in it. The rare few cops I met who didn't give that creepy vibe instead gave me the impression they had chosen the wrong line of work, and were indeed the first ones to rage quit complaining of a toxic workplace.

¹See for example *Cool under fire: Psychopathic personality traits and decision making in law-enforcement-oriented populations*. McKinley, S. J., & Verona, E. *Law and Human Behavior* (2023) 47(5), 591–605.

²"On stress leave with a service weapon: Victoria police officers with PTSD say the department is failing them" (Capital Daily, 2022/11/02); "Bullying, discrimination investigations in Victoria bylaw department" (CTV News, 2025/10/30)

³"Bob Paulson apologizes for 'egregious behaviour,' nudity at RCMP bomb school" (Canadian Broadcasting Corporation, 2016/07/14)

⁴"Women working with RCMP suffered 'shocking' levels of violence, sex assaults, says report" (Canadian Broadcasting Corporation, 2022/06/17)

⁵"'I did not want to be involved': Police officer quits task force over concerns about RCMP tactics at Fairy Creek" (Canada's National Observer, 2022/11/24)

The police's relationship with activists in particular can turn outright corrosive when undercover officers infiltrate and undermine activist groups. The most infamous of them was Bob Lambert, a British officer of the Special Demonstration Squad who had sexual relationships with four women among those he investigated, and even fathered a child with one of them—even while he was married and had a family of his own. One of the victims would later declare that she felt “raped by the state”.⁶

No wonder activists indulge in healthy levels of paranoia whenever the police is concerned. But this shouldn't stop you from engaging with them and even playing their game. If nothing else, their psychopathy means they feed on fear, so don't show them you're afraid and already they lose much of their power.

I would also encourage you to learn from their tactics. If nothing else, the police is strong at diplomacy, preferring to cajole and intimidate in equal measure rather than carrying out arrests. Cops are often depicted as brutes, but this is only a narrow aspect of their profile. In practice, they assert their authority mostly using soft power, from so-called ‘copaganda’ to negotiation, and repugn to use force on those who can be reasoned with or deterred. This comes down to pragmatism of course; with a ratio of one officer to hundreds of civilians, the police simply cannot enforce compliance with violence alone. The residents of Ferguson, Missouri, taught their local police department this lesson the hard way in August 2014, leading to the police chief's resignation and belated reform within the department.⁷

⁶“Trauma of spy's girlfriend: ‘like being raped by the state’” (The Guardian, 2013/06/24)

⁷“Ferguson's police chief, city manager quit - but is that enough?” (CNN, 2015/03/12)

Don't talk to cops

Anyone who's ever watched television knows of the right to silence. In the United States it's been enshrined as the *Miranda*⁸ warning, and goes roughly as follows:

You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to talk to a lawyer for advice before we ask you any questions. You have the right to have a lawyer with you during questioning. If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish. If you decide to answer questions now without a lawyer present, you have the right to stop answering at any time.⁹

It is indeed considered common sense that talking to cops, especially while formally interrogated, is a terrible idea. From a purely judicial standpoint, this is absolutely correct. In extreme scenarios, psychological pressure alone may lead suspects to confess to crimes they didn't commit, which may prove extremely prejudicial in criminal proceedings. There even was this case of a California man who in August 2018 was coerced into confessing to murdering his missing father, the interrogators going as far as threatening to put down his dog unless he did, *even though the suspect's father was actually still alive*; the municipality of Fontana settled the resulting civil rights complaint for \$900,000.¹⁰

⁸*Miranda v. Arizona*, 384 U.S. 436 (1966)

⁹*United States v. Plugh* (2nd cir. 2009)

¹⁰"Fontana pays nearly \$900,000 for 'psychological torture' inflicted by police to get false confession" (The San Bernardino Sun, 2024/05/23)

The United States Constitution's Fifth Amendment guarantees the right not to incriminate oneself. As a corollary, consciousness of guilt may not be inferred from a suspect asserting one's right to remain silent. Similar protections exist in most democratic countries, such as Canada under Articles 7 and 11 of the *Charter of Rights and Freedoms*.¹¹

Seriously, folks: when in doubt, *Shut The Fuck Up*. Even dismissing the judicial dimension of this quandary, cops are continually attempting to extract information from activists, looking for a way to undermine their operations. I know from experience that they love asking casual questions while pretending to be everyone's best friend, just to see how much they can glean out of someone, perhaps even looking for a potential informant—especially one who self-compromised after letting an incriminating detail slip in a moment of carelessness.

Do talk to cops

Wait a second: am I contradicting myself with these section titles? After all, I just wrote "Don't talk to cops" and explained at length why it's reckless to do so.

Nevertheless, I also stated that, as an advocate at least, you would shake hands with cops indeed. And that means you will talk to them as well, if only for diplomatic purposes. Don't be afraid to play their game, because as I'm about to explain, the liability works both ways: cops shouldn't talk to us either, and every time they do so they feed us with information we can use against them. Those of you who've had the good fortune to watch the documentary *Stop The Sweeps Part I: Policing and Displacement in Vancouver's*

¹¹R. v. Noble, 1997 CanLII 388 (SCC), [1997] 1 SCR 874

Downtown Eastside know in particular that getting cops to talk to the camera can yield golden counter propaganda material.

I admit that the game is rigged in the police's favour. But that only means we have to play the player instead of merely playing the game. Let's take advantage of the fact that the system keeps overly smart candidates out of police forces, under the pretext that those who score too high on aptitude tests could get bored with police work and leave soon after undergoing costly training, but actually because it fears that smartass officers would have enough wits to question dubious orders or even blow the whistle. This is even enshrined in jurisprudence in the United States, following a September 2000 decision of the Second Circuit Court of Appeals which allowed a such a policy to stand.¹²

Seriously, folks, why do you think the police likes to coerce confessions so much? That's because most officers are too dumb to properly investigate crimes, whereas it's so easy to break a weakling into admitting guilt.¹³

It follows that, if you're of above average intelligence, you can befuddle the police with baffling ease. Believe me, not only aren't they nearly as clever as they get credit for, many are downright blockheads, and their tactics can easily be turned around. For example, listen carefully to their questions, as these often reveal what they want to know and may amount to admissions that they don't already know the answer. Also, their very questions can be

¹²Hughes, Tad. (2003). *Jordan v. The City of New London, police hiring and IQ: "When all the answers they don't amount to much"*. Policing-an International Journal of Police Strategies & Management - POLICING, 26. 298-312. 10.1108/13639510310475778; see also *Jordan v. City of New London*, 511 F.3d 335 (2d Cir. 2008)

¹³Kassin SM, Drizin SA, Grisso T, Gudjonsson GH, Leo RA, Redlich AD. *Police-induced confessions: risk factors and recommendations*. Law Hum Behav. 2010;34(1):3-38. doi:10.1007/s10979-009-9188-6

reversed by answering with questions, thereby putting them on the back foot. Furthermore, I find in practice that many simply cannot process sarcasm, which can be used to undermine their confidence. And with compromising material, you can even make them fear you instead.

Of course I this advice comes with the following warning: *Don't try this at home kids, leave it to professional mentalists*. If that's not you, then either clam up or scrupulously stick to the script. Because every time you mess up, someone might get hurt as a result—and that someone might be you. Remember to always stay sharp around cops, even in casual contexts, because messing with them is an extreme sport.

Beside mind games, another purpose to engaging with the police is de-escalation. Encounters with cops are common at protests, and may quickly degenerate without some quick-witted intervention. Keep in mind that the police is a paramilitary force, and police officers are heavily armed. Here in Canada, they walk around with pistols, sticks, mace, and Tasers, sometimes even assault rifles (I saw one at a Christmas parade, goddammit), and they are trained to use them.

Furthermore, in crisis situations, they are trained not to think, because hesitation means death.¹⁴ That means anyone perceived as hostile during an escalating incident may become the target of a reflexive weapon discharge. I strongly recommend defusing potential scuffles by telling tense cops that you won't do anything reckless, just to get them to relax a little; this one short sentence may actually save your life.

Finally, there's the matter of advocacy. Sometimes police offi-

¹⁴"How Police Training Contributes to Avoidable Deaths" (The Atlantic, 2014/12/12)

cers do reckless things, especially when carrying out assignments they're unfit for, like answering mental health emergencies, and ensuing situations may warrant the intervention of advocates in order to defuse them. Believe it or not, sometimes the police may even welcome the intervention of advocates, especially when the alternative is the use of force. This might have saved Chris Amyotte's life in August 2022, who died when a Vancouver police officer fired a bean bag gun at him multiple times even though his only crime was to behave hysterically right after having been pepper-sprayed in a separate incident.¹⁵

I for one had to intervene, in spite of my reservations, when in May 2024 one of my neighbours expressing suicidal ideation was forcefully apprehended under the *Mental Health Act* by five cops, four literally piled on top of him, because I was genuinely concerned about his safety and egregious civil rights violations. The next time cops showed up for him, we were able to talk things out in a civil manner instead. This is one example in which goons initially resorted to brutality in part because they simply didn't know how else to proceed, and in which engaging with them in good faith worked out in the end.

Legal observation

I've just mentioned that police officers carry enough gear around their belts to make Batman blush. While their arsenal is fearsome, activists don't need nearly as much equipment to compete with them, as they are armed with the right to document and record law enforcement activities in public spaces, and all that's needed is a cell phone camera or a notebook.

¹⁵"Bear Sprayed, Chris Amyotte Was in Agony. Then, Shot by Police" (The Tyee, 2022/08/30)

Legal observation turns the sacrosanct right to record the police in public spaces into a tool to keep it either honest or accountable. In the United States, the Fifth Circuit Court of Appeals affirmed this right under the First Amendment of the Constitution:

We conclude that First Amendment principles, controlling authority, and persuasive precedent demonstrate that a First Amendment right to record the police does exist, subject only to reasonable time, place, and manner restrictions.¹⁶

A similar decision was reached in Canada by the Ontario Court of Justice, affirming the right to record the police and declaring that an order by an officer not to record interactions between the police and the public can be construed as abuse of authority:

An officer who conducts himself reasonably has nothing to fear from an audio, video or photographic record of his interaction with the public. The public has a right to use means at their disposal to record their interactions with the police, something that many police services themselves do through in-car cameras and similar technology. The officer's powers exist to allow him to protect the public and himself and to enforce the law; they do not extend to controlling the public record of what happened. **The maintenance of that public record plays a significant role in the maintenance of the rule of law.**¹⁷ [emphasis added]

¹⁶*Turner v. Driver*, No. 16-10312 (5th Cir. 2017)

¹⁷*R. v. Zarafonitis*, 2013 ONCJ 570 (CanLII)

Observe that the last sentence in this quotation directly support one of the premises of this book, which is that the citizenry plays a role in enforcing the law against the executive branch of government. This is the cornerstone of legal observation, enabling the citizenry to curb the excesses of executive power where the judiciary otherwise cannot reach. In other words, the legal observer becomes a witness, collects evidence, and may even be called upon to testify in court proceedings.

The fine prints require careful scrutiny of applicable laws in a given jurisdiction and thus exceed the scope of this book. I recommend anyone interested in becoming a legal observer to attend a training session, which may be accessible either online or in person. These may be hard to come by, as they are seldom broadly advertised, participants of course being wary of retaliation. But spend enough time among activists and such a training opportunity is bound to materialize. These typically last an hour or two and go through the basics of collecting evidence for use in legal cases.

The above notwithstanding, legal observers may be reduced to engaging in acts of civil disobedience in jurisdictions with ordinances restricting the right to record law enforcement interactions in public places by testing the limits of established precedents. For example, multiple US states have passed so-called buffer zone laws setting a minimum distance short of which observers may be compelled to step back, with the clear intent to deter or hinder recording.¹⁸ One such law was recently passed in Arizona, only for its enforcement to be blocked by a federal judge.¹⁹

¹⁸“When police say ‘stand back,’ these states say how far” (National Public Radio, 2024/08/13)

¹⁹“Judge blocks enforcement of police buffer zone law” (Verite News, 2025/01/31)

Legal observation is currently a very hot topic across the United States, as it forms the first line of defence against civil rights violations by its Immigration and Customs Enforcement (ICE) agency's masked goons prowling for easy pickings to snatch and deport without leaving a trace.²⁰ This had compelled the Electronic Frontier Foundation (EFF) to issue in February 2025 a statement asserting the right to record ICE carrying out its duties and enumerating the legal basis supporting this stance.²¹

Nevertheless, ICE officers have earned a reputation for roughshod treatment of legal observers as the factions come in close quarters, especially when officers perform arrests in immigration courthouses, the latter practice being currently the object of a class-action lawsuit.²² In one such scuffle, a volunteer complained of being detained and left with bruises over dubious accusations of assaulting an ICE officer at San Diego's federal immigration court in July 2025.²³ Then in a tragic January 2026 incident in Minneapolis, another ICE officer was recorded murdering a legal observer in cold blood while she attempted to drive away from him.²⁴ Allow me to reiterate my warning to remain sharp at all times around cops, even when exercising one's legal prerogative in a public space, and to remind you that de-escalation may be your best defence in the event of a standoff.

²⁰“‘Abducted by Ice’: the haunting missing-person posters plastered across LA” (The Guardian, 2025/06/18)

²¹“Yes, You Have the Right to Film ICE” (Saira Hussain, Sophia Cope, and Matthew Guariglia, for the Electronic Frontier Foundation, 2025/02/15)

²²*Immigrant Advocates Response Collaborative et al. v. U.S. Department of Justice et al.*, 1:25-cv-02279 (U.S. District Court for the District of Columbia)

²³“A volunteer legal observer says she was left bruised after being detained by ICE agents at federal courthouse” (KBPS, 2025/07/11)

²⁴“Renee Good, the driver shot and killed by an ICE agent in Minneapolis, was a mom and widow. Here's what we know.” (CBS News, 2026/01/08)

Protest roleplaying

A well-organized protest has various roles assigned to participants whose duties pertain to police interaction or de-escalation. Of course the legal observer is one of them, even though in principle a legal observer does not engage with law enforcement officers.

This duty falls to a designated police liaison officer, typically the only person to engage with cops, and even then preferably only with the police's own community liaison officer. These usually shake hands at the beginning of an event or engagement and settle the terms of the factions' interaction, which include of course strict instructions to participants on either side not to approach the adverse faction, with the understanding that minimizing friction also reduces the risk of escalation and injury.

In a standoff, the police liaison may engage in negotiation with the police on behalf of protesters, although in practice this often amounts to a stalling tactic in order to achieve some objective or prolong a disruptive action. I documented one such action at an intersection blockade near the Legislature in Victoria in May 2023. The whole purpose of the talks was to buy artists enough time to complete commemorative artwork on the pavement and for the paint to dry up, after which participants dispersed in an orderly fashion.²⁵

In contrast, wardens do not engage with the police but instead help keep the peace by preventing escalation by protesters, bystanders, and hostiles. In a sense, their role is to keep protesters and the police apart, even though in practice they have no more power than scarecrows wearing high-visibility vests. They are

²⁵ "Activist group protested 150th anniversary of RCMP at Legislature lawn on Victoria Day" (Victoria Buzz, 2023/05/23)



Behold diplomacy at work. A police liaison officer engages with Saanich Police on behalf of protesters, under the gaze of a legal observer, at an intersection blockade by the Legislative Assembly of British Columbia in Victoria, in May 2023. Actually just buying time until the paint on the pavement dries up.

nonetheless instrumental in keeping the peace by dissuading participants from engaging in disorderly conduct.

Some high-risk events may warrant the deployment of street medics, especially when the use of crowd control ordnance such as tear gas or stun grenades is expected. Street medics are volunteers with varying levels of first-aid or medical training who treat the wounded at riots or when the police forcefully disperses a crowd.²⁶ The scope of their practice is detailed in *Riot Medicine*, a public domain manual written by Håkan Geijer.²⁷

Their role compares to that of medics on the front lines of an actual war, and are usually treated accordingly by the police. That being said, unlike legal observers they do not enjoy specific

²⁶“Street medics brave danger to treat wounded protesters” (CNN, 2020/06/05)

²⁷Currently available at the following URL: <https://riotmedicine.net/>

legal protection. The matter has been settled in the aftermath of Portland's George Floyd protests in 2020, when protest medics failed to persuade the Oregon District Court to issue a restraining order against the city allowing them to treat injured participants without fear of retaliation by law enforcement.²⁸

Fighting the police

The supreme art of war is to subdue the enemy without fighting.

Sun Tzu, *The Art of War*

In normal circumstances, I strongly advise against clashing with the police. It is typically far better trained, equipped, supported, and disciplined than even the sturdiest of protester factions, and may call upon nearly unlimited reinforcements when things go out of hands. Even in the rare instances in which rioters rout the police, the endgame is usually unfavourable to them unless they manage to either break the state or overthrow it altogether (like Bangladesh's Monsoon Revolution);²⁹ otherwise the outcome is far more likely containment, dispersal, and systematic repression by the state apparatus (like Hong Kong's failed Umbrella Movement).³⁰

Ranks of riot police in particular are known for being able to contain many times their numbers, with tactics such as shield walls, and rarely find themselves overpowered by a violent crowd, while its 'less lethal' crowd dispersal arsenal is known to cause

²⁸*Wise v. City of Portland*, 3:20-cv-01193, (D. Or.)

²⁹"Bangladesh's 'Gen Z revolution' toppled a veteran leader. Why did they hit the streets and what happens now?" (CNN, 2024/08/06)

³⁰"Hong Kong protests: Little remains of Umbrella Movement" (Deutsche Welle, 2024/09/27)

severe injury or death—to the dismay of human rights observers deploring the use of tear gas under the domestic use exemption of the *Chemical Weapons Convention* otherwise banning it from battlefields worldwide.³¹

Which isn't to say a disciplined force led by a tactician cannot pull it off. Allow me not to elaborate, within the scope this book, on the various tactics I would use were I reduced to taking on a sizeable police force, for obvious reasons. Just use your imagination.

Instead, I'd like to discuss a specific instance in which such a disciplined faction managed to hold its ground against a police force attempting to disperse it: Atlanta's Block Cop City march in November 2023.³²

Few protest grounds have been more staunchly challenged by the police and activists as the site for Cop City (officially the Atlanta Public Safety Training Centre), a police and firefighter training megacomplex decried as an escalation of the militarization of domestic law enforcement.

Confrontation between the factions made national news with the killing of environmental activist Manuel Esteban Paez Terán, better known as Tortuguita, in January 2023. Tortuguita was fatally shot inside his tent at a protest encampment that Georgia State Patrol troopers had been sent to clear. While the official rationale was that Tortuguita had opened fire on a trooper from inside the tent, body camera footage strongly suggests the injured trooper was actually the victim of friendly fire, and autopsy results

³¹*Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction*, published by the Organisation for the Prohibition of Chemical Weapons

³²"Police and protesters clash at Atlanta training center site derided by opponents as 'Cop City'" (The Associated Press, 2023/11/13)

show that Tortuguita died cross-legged with his hands up.³³

Naturally, nothing enrages activists like the police wrongfully killing one of theirs, even by mistake, which could only make them bolder. The conflict escalated to its paroxysm in November 2023 with the 400-strong Block Cop City march, intended to reclaim the forest next to the construction site, even if that meant battling the police. Marchers this time had come forming ranks, wielding umbrellas, wearing masks, goggles, and chem suits, behind a banner doubling as a barrier.

The protesters marched toward the riot police ranks and even managed to gain ground. The officers had to use tear gas in order to stop the march, and even then one gas canister was thrown back at them. While the participants eventually dispersed, the factions were evenly matched and the scuffle proper ended in a draw.

As I stated already, I will not comment on the protest's tactical deficiencies. It did suffer from one major strategic shortcoming, however: the participants had no realistic plan to hold their ground even if they had forced the police to retreat altogether. The January 2023 encampment takedown had already shown that the site could not be defended against a police raid, after all, so the entire endeavour was brave but futile.

This is why I've been arguing since Chapter 2 that a successful campaign against the government, and especially law enforcement, requires a sound legal and political strategy acting as a deterrent against the use of force, and is way more effective in holding one's ground against the police than wielding umbrellas. To emphasize my point, I would say that the strong media presence was the protesters' best defence on that day, by preventing the

³³"Police Shot 'Stop Cop City' Activist 14 Times With Their Hands Up, Independent Autopsy Shows" (VICE, 2023/03/13)

worst of police brutality, in contrast to the RCMP's violent dispersal of Fairy Creek protesters in August 2021, for being in a remote area subjected to a media exclusion zone (see Chapter 2).³⁴ Seriously, keep the use of force as a last resort; I myself save it for Chapter 11, near the end of this book, and only document it with reservations.

³⁴"I witnessed police attacking Canadians practising civil disobedience at Fairy Creek" (Canada's National Observer, 2021/08/22)

Chapter 10

When the mob says no

In the end, you will walk out. Because 100,000 Englishmen simply cannot control 350 million Indians, if those Indians refuse to cooperate.

Gandhi (1982)

I have warned would-be complainants throughout this work that the legal system is insufferably slow and byzantine by design. One extra caveat is its focus on redress rather than prevention; the justice system usually waits for actual harm to have occurred rather than offer preemptive relief, and its belated remedies often fail to resolve the issue at hand.

In Chapter 2 I've briefly mentioned a campaign 1 Million Voices For Inclusion waged against We Unify and its Reclaiming Canada conference's lineup of notorious transphobic speakers in June 2024. We urged the City of Victoria's municipal council to cancel its contract with the organization, warning it of legal jeopardy under Section 7 of the *BC Human Rights Code*, which forbids publication of speech intended to discriminate against a protected group or expose it to hatred and contempt. In vain.

The uninitiated could be forgiven for wondering why we didn't reach out to the BC Human Rights Tribunal instead of attempting to shut down the conference with a massive protest. The reason is that the Tribunal, unlike the courts, does not offer preliminary injunctive relief. A complaint can only be filed once the infraction

has taken place, which in this case would be after the conference. And that of course would only be the beginning of the headache, as the following saga demonstrates.

Chilliwack Teachers' Association v. Neufeld

Barry Neufeld used to be a trustee for the Chilliwack Teachers' Association. During his term he initiated a zealous crusade against what he deemed radical gender ideology, especially the Sexual Orientation and Gender Identity (SOGI) charter promoting inclusion of queer school students coming out at school. Never mind that SOGI is only intended to prevent the bullying of students whose sexuality and gender identity don't fit in the mould, but hey, some conservatives have nothing better to do with their time than to undermine society's meagre civil rights protections by subverting the system.

In October 2018, Neufeld went as far as filing a defamation suit against BC Teachers' Federation (BCTF) president Glen Hansman for criticizing his stance, which backfired so spectacularly that the Supreme Court of Canada slammed it as a Strategic Lawsuit Against Public Participation (SLAPP) pursuant to Section 4 of *British Columbia's Protection of Public Participation Act (PPPA)*.¹

The BC Teachers' Federation had filed a complaint against him as well, on behalf of the Chilliwack Teachers' Association, with the BC Human Rights Tribunal for violating Section 7 of the *Code* by posting homophobic and transphobic comments online.²

¹"Supreme Court of Canada dismisses defamation suit filed by former Chilliwack, B.C., school board trustee" (Canadian Broadcasting Corporation, 2023/05/19); see also *Hansman v. Neufeld*, 2023 SCC 14 (CanLII)

²"B.C. teachers' union files human rights complaint against Chilliwack school trustee Barry Neufeld over allegations of transphobia" (The Toronto Star, 2018/04/10)

I would rather quote from the Tribunal's dismissal application decision than attempt my own characterization of the respondent's disturbing conduct:

The discrimination complaint concerns a series of statements between October 2017 and December 2018. BCTF says that Mr. Neufeld's statements and publications had and continue to have a discriminatory effect on the work environment for all teachers in the School District and a "particularly discriminatory effect" on teachers who identify as LGBTQ. For example, BCTF says that Mr. Neufeld calls teachers who support transgender students "child abusers", refers to teaching about LGBTQ families as "evil ideology", compares teachers' work supporting transgender students to the cultural genocide of the residential school system, and discounts the lived experiences of transgender individuals by describing them as "confused", as part of a "biologically absurd theory", and experiencing undiagnosed autism.³

Allow me to spare you the whole vitriol. I'm all for freedom of expression, and my own views aren't systematically aligned with that of the queer community. Nevertheless, I'm drawing the line at hate speech and bigotry, as do most people of conscience, including of course the complainants in this case.

That being said, the human rights complaint faced significant hurdles from the onset. The most significant was that Section 7 of the *Code* was insufficiently tested. The Tribunal had to contem-

³*Chilliwack Teachers' Association v. Neufeld*, 2021 BCHRT 6 (CanLII) at para. 20

plate whether claims pertaining to Internet publications fell within provincial jurisdiction, since regulating telecommunications is the prerogative of the federal government.⁴

Also, the scope of this complaint warranted an obscenely long and complex hearing; whereas the typical complaint is heard by a single Tribunal member in just a few days, this one was heard by three Tribunal members over thirteen days and extended from November 2024 to May 2025. The whole process spanned over eight years, a very long time even by the Tribunal's abysmal standard of service. In contrast, remember that in Chapter 3 I recounted attending a hearing for a major judicial review in which both the BC Human Rights Commissioner and the Office of the Deputy Attorney General intervened, and yet it lasted only one week, taking place thirteen months after the petition was filed.

Finally, in February 2026 the Tribunal found Neufeld guilty of infringing upon Sections 7 and 13 with heated public speech exposing LGBTQ people to hatred or contempt. The complainants were awarded a record \$750,000 for injury to dignity and self-respect, plus \$10,000 in costs for improper conduct during the course of the complaint.⁵ Even then, it isn't the end of the litigation. The respondent has announced within days his intention to file a petition for judicial review,⁶ which is bound to be heard given the complexity of the case, the lack of precedent, and the obvious public interest in getting things right. A subsequent

⁴"BC Human Rights Tribunal will hear BCTF vs. Neufeld online hate speech case" (The Chilliwack Progress, 2024/08/08); see also *Chilliwack Teachers' Association v. Neufeld (No.3)*, 2024 BCHRT 232 (CanLII)

⁵"Former Chilliwack school trustee Barry Neufeld ordered to pay \$750K for violating Human Rights Code" (Victoria News, 2026/02/19); see also *Chilliwack Teachers' Association v. Neufeld (No. 10)*, 2026 BCHRT 49, *Chilliwack Teachers' Association v. Neufeld (No. 11)*, 2026 BCHRT 50

⁶"Ex-B.C. school trustee to fight \$750,000 penalty for 'insidious' anti-SOGI campaign" (The Canadian Press, 2026/02/23)

appeal is likely, and may even escalate to the Supreme Court of Canada just because the respondent raised a constitutional question. The decision may also be remanded to the Tribunal for reconsideration, which would add several months to the process. At this rate, the soap opera may drag on for another four years and involve a dozen interveners like civil rights associations and community advocates. Then, and only then, will the justice system settle the question of whether to order Neufeld to shut the fuck up for good.

Naturally, the mob has neither the patience nor the inclination to wait this long, since everybody knows there is only one way to silence a bigot. Especially one such as Neufeld, manifestly undeterred by the human rights process, who called upon his supporters to rally at the Tribunal in November 2024 ahead of his testimony.⁷

The 1 Million March 4 Children

We aren't quite done with Neufeld and his cohort. Let's go back to September 2023, at the peak of the polemic surrounding transgender policies in schools, with the 1 Million March 4 Children, reaching out under the umbrella of 'parental rights' to oppose gender identity education and the use of preferred pronouns in schools. It was organized by social conservative and libertarian groups scattered in cities across Canada, which meant to march simultaneously in about a hundred cities across the country.

Days ahead of the event, the Canadian Anti-Hate Network posted a statement describing these protests as "supported by a big tent of far-right and conspiratorial groups, including Christian

⁷Reporting available on Rumble at the following URL: <https://rumble.com/v5urjwh-rally-for-barry-neufeld.html>

Nationalists, COVID-19 conspiracy theorists, sovereign citizens, and anti-public education activists.” It concluded as follows: “Local activists can and should prepare to counter-demonstrate. Find out what is happening in your city and in the region on the 20th, and make plans with local community partners, including unions and community solidarity organizations. Check out our Pride Defence Guide for safety tips and ideas.” The said guide was written in anticipation of violent counterprotests to Pride parades, but was just as applicable when the roles were reversed.

Even more impressive than the marchers’ organization was the spontaneous response by counterdemonstrators who swarmed these rallies with the intent to shut them down, often absent any organization. And the resistance was particularly fierce across British Columbia, where support for SOGI is strong and patience with transphobes thin.⁸

Here in Victoria, the would-be marchers were swiftly outnumbered by a hostile crowd numbering in the hundreds chanting “Go home, fascists!” over two rows of police officers separating the factions; two counterprotesters were arrested for crossing the line. The march had to be cancelled altogether for safety reasons, as even three dozen officers struggled to contain the opposition.⁹ The standoff lasted until the evening, as some attending the event steadfastly refused to leave the premises out of spite.

Resistance was similarly heated elsewhere. In Vancouver for example, the opposition also vastly outnumbered the participants to the point that the police could not separate the factions; tension ran so high that a brawl erupted, and one marcher was arrested,

⁸“Thousands rally in support and protest of SOGI curriculum in B.C.’s schools” (Global News, 2023/09/20)

⁹“‘Unsafe’: Victoria police ask protesters on SOGI issue to vacate legislature” (Victoria News, 2023/09/20)



Captured in September 2023 at a counterprotest to the 1 Million March For Children at the Legislative Assembly of British Columbia in Victoria.

seemingly for instigating the fight.¹⁰ Factions likewise clashed in Nanaimo, where one participant was arrested.¹¹ In Toronto, the event drew a thousand counterprotesters, and escalated to the point that a marcher was arrested for carrying a weapon while attending a public event.¹² Even in bastions of conservatism like Calgary, Edmonton, and Saskatoon, marches drew significant backlash.¹³

An event did take place in Chilliwack, at which Barry Neufeld

¹⁰“Brawl breaks out amid duelling Vancouver protests over LGBTQ2S+ education” (CTV News, 2023/09/20)

¹¹“Protesters arrested on Vancouver Island as groups clash over ‘gender ideology’ in schools” (CTV News, 2023/09/20)

¹²“RECAP: Anti-LGBTQ2S+ education demonstration met with counter protest in Toronto” (CTV News, 2023/09/20)

¹³“‘Million March 4 Children’ draws hundreds of supporters, counter-protesters in downtown Calgary” (2023/09/20); “Video: ‘Gender ideology’ protest, counter protest draws thousands in west Edmonton” (2023/09/20); “Protesters face off in Saskatoon over school pronoun policy” (CTV News, 2023/09/21)

was witnessed wearing a sandwich-board sign reading on one side "There are no transgender children! Only confused boys & girls!" and on the other "Gender-affirming care destroys kids' lives. It's the new sexual lobotomy."¹⁴

In the aftermath of the campaign, public officials rushed to make statements in support of the LGBTQ+ community. For instance, the City of Victoria issued a *Declaration of Ongoing Solidarity with Gender-Diverse Residents of Victoria* the following month.¹⁵ That being said, mere months later the municipality refused to deny We Unify a venue to spread transphobia, showing how little its words actually meant; since the local government had no inclination to uphold its own declaration, we activists had to rally a mob in order to enforce it.

OneBC's residential school denialism

In British Columbia, provincial politics have become acutely polarized in recent years, reflecting a global trend.¹⁶ The BC Liberal Party rebranded itself as BC United in April 2023 with an abrupt shift to centre-right policies, and even stunningly withdrew all candidates during the 2024 election campaign in a strategic alliance with the BC Conservative Party, whose views had similarly migrated toward the far right.

That being said, BC United party leader Kevin Falcon would not countenance an outright merger with the BC Conservatives, with

¹⁴"Crowd of 500 at anti-SOGI protest in Chilliwack chants 'leave our kids alone'" (The Chilliwack Progress, 2023/09/20)

¹⁵"Victoria, Nanaimo declare support for LGBTQ+ community in wake of protests" (CHEK News, 2023/10/26)

¹⁶"How to Understand the Global Spread of Political Polarization" (Carnegie Endowment for International Peace, 2019/10/01); see also Carothers, T., & O'Donohue, A. (Eds.). (2019). *Democracies Divided: The Global Challenge of Political Polarization*. Brookings Institution Press.

the following rationale: "There's practical reasons why, but many of their candidates are frankly too extreme. I can't merge with a party that has candidates that equate vaccinations with Nazism or apartheid."¹⁷

It might come as a shock then that there were some reactionaries among members of the Legislative Assembly for which even the BC Conservatives were too politically correct. One of its members, Dallas Brodie, was ejected from the party after mocking the testimonies of residential school survivors on her podcast.¹⁸ She and Tara Armstrong, another party member who followed suit, founded OneBC, running on a platform including a ban on gender-affirming health care and the repeal of the *Declaration on the Rights of Indigenous Peoples Act (DRIPA)*.

DRIPA is sacrosanct for Indigenous peoples and their allies.¹⁹ Recent calls to amend or repeal it face fierce resistance even amid a polemic following a BC Supreme Court judgment asserting that claims of Aboriginal title under *DRIPA* supersede those made under the *Land Title Act*.²⁰

OneBC went even further by amplifying residential school denialism, an open wound in the history of Indigenous peoples' colonial assimilation. The boarding schools, built in the aftermath of the *Indian Act* of 1876, were intended to extinguish their cultural heritage by removing Indigenous children from their communities and subjecting them to compulsory Christian education. Thou-

¹⁷ "'Seismic shift': A look at the fall of BC United" (CityNews, 2024/10/14)

¹⁸ "B.C. Conservative leader kicks Dallas Brodie out of caucus for 'mocking' residential school testimony" (Canadian Broadcasting Corporation, 2025/03/07)

¹⁹ "Indigenous leaders oppose B.C. premier's plan to amend DRIPA" (Canadian Broadcasting Corporation, 2025/01/26)

²⁰ "B.C. will revise DRIPA legislation to scale back court power over Indigenous rights, Eby says" (Canadian Broadcasting Corporation, 2026/01/20); see also *Cowichan Tribes v Canada (Attorney General)*, 2025 BCSC 1490 (CanLII)

sands are known to have died while under the custody of these institutions, the grim toll increasing as more records are uncovered.²¹

The party's main argument is of course that none of the victims' bodies have been exhumed from sites where ground-penetrating radar has detected anomalies consistent with mass graves.²² Never mind that there exist ample records attesting to these deaths,²³ irrespective of whether human remains are ever recovered at those locations—and that deniers disturbing grave sites under the cover of darkness with the pretense of investigating those claims themselves undermine their own objections.²⁴

Somehow OneBC thought touring universities to spread their calumnies was a brilliant idea, and targeted the University of Victoria over past ceremonial gestures honouring residential school victims, with a speaker event featuring party leader Dallas Brodie, notorious residential school apologist Frances Widdowson, and disgraced high school teacher Jim McMurtry. The university administration begged to differ, and stated so when it reached out to event organizer Frances Widdowson following her public announcement on social media, to deny them a venue at the beginning of December 2025 on the grounds that their event hadn't been approved, another event already had been at that specific time and location,

²¹ "Why it's difficult to put a number on how many children died at residential schools" (Canadian Broadcasting Corporation, 2021/09/29)

²² "OneBC Leader's Comments Drive Indigenous Delegation from Legislature" (The Tyee, 2025/11/18)

²³ "Probe into former Alberni residential school resets the death toll at 67" (Alberni Valley News, 2023/02/21); "Stó:lō Nation identifies 158 child deaths, potential unmarked graves at former residential schools, hospital" (Canadian Broadcasting Corporation, 2023/09/21); "History of residential school cemeteries is evidence of genocide, interlocutor says" (Canadian Broadcasting Corporation, 2024/07/03)

²⁴ "Residential school denialists tried to dig up suspected unmarked graves in Kamloops, B.C., report finds" (Canadian Broadcasting Corporation, 2023/06/16)

and the university could not implement safety measures on such short notice. Widdowson brazenly signalled in response that she wasn't taking no for an answer, and the trio barged in anyway.

Instead of receiving a warm welcome, the three stooges were countered by a crowd of several hundred antagonists intent on cancelling the event by force. Indigenous faculty and staff held an event of their own, with speakers including Kuper Island residential school survivor Steve Sxwithul'twx.²⁵

Considering the risk of escalation, the Saanich Police Department elected to evict the OneBC agitators for trespassing, and even arrested Widdowson. In my experience, the local police force avoids enforcement actions at protests, therefore I presume it did intervene only upon being pressured by the overwhelming opposition.

While the crowd was largely peaceful, there were a couple of physical altercations. One occurred on a nearby parking lot involving a masked counterprotester slapping a OneBC volunteer's camera aside, amidst an ominous orange smoke screen; police officers separated the factions before the fight escalated into a brawl but declined to arrest anyone. In the description of a video clip posted on social media, Brodie bemoaned that "Canadian Police refused to enforce the law against a masked leftwing protester after he assaulted a OneBC volunteer in broad daylight, but they arrested Frances Widdowson for peaceful speech."²⁶ Forgive me for gloating that she was for once absolutely correct, in accordance with the leading premise of this book: *Vox populi, vox Dei*.

²⁵"One arrested at OneBC event at UVic that drew protesters" (Times Colonist, 2025/12/03); "Indigenous speakers and hundreds of gatherers oppose unsanctioned OneBC event on UVic campus" (The Martlet, 2025/12/04)

²⁶Recording currently available on Dallas Brodie's Instagram account at the following URL: https://www.instagram.com/reel/DRyDsQXD_8b/

The debacle punctuated a tumultuous period within OneBC, plagued with undignified drama and infighting which triggered a crisis in Brodie's confidence as party leader. Later that month, the party's board voted to oust her, with the obvious intent to put Armstrong in charge, but she refused to quit; although she quickly regained control, the entire board resigned, leaving her as leader of an aptly-named party of one.²⁷

And since Brodie is a slow learner, she doubled down on unsanctioned university speaker events, the second time in January 2026 at the University of British Columbia in Vancouver, which unfolded likewise.²⁸

As for Armstrong, she introduced a motion in February 2026 to repeal the *Human Rights Code* and abolish the BC Human Rights Tribunal, in the aftermath of the *Chilliwack Teachers' Association v. Neufeld* decision; it was voted down at first reading by an uncomfortably narrow margin of 37 in favour to 50 against.²⁹ She is herself the target of a recall petition campaign in her electoral district of Kelowna-Lake Country-Coldstream.³⁰

Canada First's anti-immigration rallies

Do you know what Canadians loathe even more than transphobia and residential school denialism? MAGA-hat Trumpism and

²⁷ "OneBC party split over staffer's 'disgusting' views on Jews, says ex-leader Brodie" (The Canadian Press, 2025/12/15); "Dallas Brodie back in control of OneBC as a party of one after almost 10 days of negotiations" (Vancouver Sun, 2025/12/22)

²⁸ "OneBC event at University of B.C. attracts hundreds of opponents, ends with 1 arrest" (Canadian Broadcasting Corporation, 2026/01/22)

²⁹ "Kelowna MLA's bill to repeal BC Human Rights Code quickly voted down" (Castanet, 2026/02/26)

³⁰ Official website at the following URL: <https://recallarmstrong.ca/>

its anti-immigrant rhetoric.³¹ But don't tell that to the Canada First Movement, whose president Joe Anidjar ranted against unchecked and unvetted mass immigration while wearing a "Make Canada Great Again" red cap in a recent speech ahead of an anti-immigration rally:

Let's stand up for our country. Let people know, and put this country on notice, that we're not gonna accept the flooding of our country. We've got to stop mass immigration and we need to send these people back home. If you can't respect our country and our way of life, it's a no-go, you'll be on the list and sent back home, and that's just it.³²

Like its American counterpart,³³ Canada First runs on an openly Christian nationalist platform spreading hysterical Islamophobia. Its leaders lack the wits of most radical groups to use coded language like Pierre Poilievre's Conservative Party of Canada,³⁴ or at least euphemisms like the Dominion Society of Canada.³⁵ Amid widespread sympathy for the Palestine liberation movement³⁶ and overt hostility toward the Trump administration's

³¹ "'Corrupt' and 'chaotic': Poll finds two-thirds of Canadians give Trump an 'F' for his first year in office" (CityNews, 2026/01/29)

³²Recording currently available on Joe Anidjar's Facebook and Instagram accounts at the following URLs: <https://www.facebook.com/watch/?v=3983898378574843> <https://www.instagram.com/p/DTGbtqykXcG/>

³³"Trump's Christian Nationalist Vision for America" (Time Magazine, 2024/09/10)

³⁴"How Pierre Poilievre's 'Canada First' slogan parallels white nationalist ideology" (Ricochet, 2025/03/18)

³⁵"IN-DEPTH: Dominion Society launches as new voice for Canadian nationalism and remigration" (The Western Standard, 2025/06/26)

³⁶"Majority of Canadians support Palestine recognition even if Trump objects amid trade dispute: survey" (CTV News, 2025/08/04)

madcap mass deportation raids,³⁷ the aspiring movement's platform was bound from the onset to consign itself to ignominy.

So when in September 2025 the organization called for an anti-immigration rally at Christie Pits Park in Toronto, a city populated with an immigrant population of nearly fifty percent, it was of course inviting counterprotesters to crash the event³⁸—especially considering it chose the site of Canada's worst ever antisemitic riot in 1933, instigated by literal Nazi sympathizers.³⁹ The opposition indeed did turn out en masse, overwhelming the hundred in attendance by about ten to one. The Toronto Police Service reported performing nine arrests, with charges ranging from mischief over \$5000 to assault. Mounted police units even had to position themselves between the factions in order to prevent these from clashing.⁴⁰

Apparently Canada First didn't get the message, since it held more Toronto rallies, in October 2025 at Queens' Park⁴¹ then in January 2026 at Nathan Phillips Square.⁴² Which, you guessed it, unfolded likewise. In a stunning display of cognitive dissonance,

³⁷ "Montrealers protest Trump immigration crackdown and call out Canadian 'complicity'" (Canada's National Observer, 2026/02/02)

³⁸ "We have the power': Locals organizing to oppose 'racist' rally at Christie Pits Park" (Toronto Today, 2025/09/05)

³⁹ "Christie Pits riots a reminder of Canada's dark past" (Canadian Broadcasting Corporation, 2017/08/21)

⁴⁰ "Anti-immigrant protest 'chased' out of Christie Pits Park" (Toronto Now, 2025/09/13); "Multiple people arrested at opposing immigration protests at Christie Pits" (The Canadian Press, 2025/09/14), "9 arrested at Christie Pits anti-immigrant rally" (Toronto Now, 2025/09/15)

⁴¹ "Canada First Rally at Queen's Park Draws Counter-Protest Over Immigration and Inclusion" (On The Record, 2025/10/27); "3 people arrested during demonstration at Queen's Park over the weekend" (CityNews, 2025/10/27)

⁴² "Hundreds gather for anti-immigration rally, counter-protest in downtown Toronto" (Canadian Broadcasting Corporation, 2026/01/10); "8 charged after anti-immigration rally and counter-protest" (Canadian Broadcasting Corporation, 2026/01/12)

the organization's blog depicted the latter event as a huge success while denouncing the counterdemonstrators' radical tactics, the caustic media coverage, and the municipal council's public repudiation.⁴³ Go figure.

I would like to conclude this section by advising Canada First president Joe Anidjar to at least change his last name if he means to keep ranting about immigration, lest he invite calls for self-deportation. Here's what online genealogy platform MyHeritage has to say about it:

The surname Anidjar has its roots in the Jewish communities of North Africa, particularly among Sephardic Jews who settled in regions such as Morocco and Algeria after the expulsion from Spain in 1492. The name itself is believed to derive from the Arabic word *anid*, which can mean to be stubborn or to resist, reflecting traits that may have been valued or observed in the ancestors of those who bore the name. Over time, the Anidjar family, like many others, adapted to their environments, often engaging in trade, craftsmanship, or scholarly pursuits, which were common occupations among Jewish communities in the region. The surname's historical significance is intertwined with the broader narrative of Jewish diaspora and resilience, as families bearing the name navigated various social roles and challenges throughout history.⁴⁴

⁴³Currently available at the following URL: <https://canadafirstmovement.ca/uncategorized/recap-canada-first-rally-was-a-huge-success/>

⁴⁴Currently available at the following URL: <https://lastnames.myheritage.com/last-name/anidjar>

Chapter 11

Torches and pitchforks

Every what the Mississippi white man pose with, he got to be met with. I said, "Meet him with ever what he pose with. If he pose with a smile, meet him with a smile, and if he pose with a gun, meet him with a gun."

Hartman Turnbow

Among the most contentious issues in civil disobedience is the use of force by protesters, from hugely disruptive actions to outright violence. In fact, I would expect most commentators to argue that violence falls outside the scope of civil disobedience altogether, an argument which I dismiss as purely semantic. Sometimes the only avenues left for citizens of conscience to resist the state's encroachment on civil rights are insurrection and martyrdom—and in the final chapter of this book I warn against martyrdom.

This topic is more relevant than ever nowadays as troops are deployed brazenly in American cities both as a test of presidential power and a means to erode guardrails against autocratic rule. The unchecked and violent intrusion of masked Immigration and Customs Enforcement (ICE) agents abducting, brutalizing, and even shooting civilians in broad daylight, culminating with the murders of Renée Nicole Good and Alex Pretti in Minneapolis in

January 2026, with the unabashed sanction of the White House,¹ has brought the state militia into close proximity with increasingly hostile protesters coming to the realization that peaceful protests alone cannot contain autocratic derives driven by the vindictive delusions of an egomaniac.

Of course the judicial system shall never acknowledge this. In *Civil Disobedience and the Law*, which I've mentioned in the introduction, Frank M. Johnson expresses his visceral revulsion to the riots of his time as follows:

The preceding distinctions illustrate lawful means for protesting and challenging the law. It is now appropriate to consider distinctions between unlawful conduct and civil disobedience. First, I would observe that civil disobedience does not necessarily involve violence. There is no legal or moral justification for the rioting, burning, looting, and killing that have occurred in the cities of Los Angeles, Detroit, Chicago, Newark, Kansas City, and Washington. Understandable, perhaps; justifiable, never. Similarly, all of us feel nothing but revulsion at the senseless and brutal killings of President Kennedy, his brother Robert, Dr. Martin Luther King, or of Medgar Evers, Schwerner, Cheney, and Goodman in Jackson and Neshoba Counties, Mississippi, or of Viola Liuzzo, the Rev. Mr. Daniel and the Rev. Mr. Reeb in Lowndes and Dallas Counties, Alabama. These acts are not an assertion of rights; nor are they justified under the guise of civil disobedience. They are

¹"Eight people have died in dealings with ICE so far in 2026. These are their stories" (The Guardian, 2026/01/28); "Not an Angel": Trump Defends Alex Pretti and Renee Nicole Good Deaths" (The New Republic, 2026/02/05)

nothing more than the infliction of gross wrongs upon innocent citizens; they are insurrections against government. Participants in such activities, and those who by their inflammatory and defiant statements possibly incite such activities, disregard utterly and completely the supremacy of any law other than the law of the jungle.²

This stance is myopic, but don't forget that the courts may never condone civil disobedience, much less rebellion, since that would obviously undermine their very authority, even with public confidence in the judiciary hanging in the balance (see Chapter 2). When a government does enact the law of the jungle and preys upon its own citizens, violent escalation is the only sane recourse, the scruples of those who have known only peaceful times be damned, that of the rigid minds who have learned nothing from living through madness even more so. My apprehension toward censuring pioneers who have learned things the hard way notwithstanding (see Chapter 1), I am merciless with those too obtuse to learn from humanity's worst failings—including the courts—even as History keeps repeating itself.

In Chapter 7 I mentioned the role television played in the American civil rights movement. Some contemporary authors have argued that guns have also proven instrumental in its success. Their argument is that armed black militias, especially in the aftermath of World War II when so many Afro-American veterans came back emboldened from the front lines, have enabled nonviolent resistance by carrying firearms as a deterrent against the terrorism they were frequently subjected to, by civilian militias and authori-

²Frank M. Johnson, Jr., *Civil Disobedience and the Law*, 22 Vanderbilt Law Review 1089 (1969)

ties alike.³ Without these groups, pacific tactics would have been brutally suppressed long before Birmingham, or extinguished afterward.

Martin Luther King himself was ambivalent about nonviolence. Following the firebombing of his home in 1956, he acquired firearms and even applied for a concealed carry permit, which was denied.⁴ He eventually forswore all violence and renounced his weapons, an attitude which put him at odds with some of his peers who worried his strategy would get him killed. Perhaps King instead felt he no longer needed weapons since his brothers had his back.

Likewise, the legacy of the much maligned Black Panther Party is being reassessed by historians, who point out that for better or worse the organization was an authentic driving force of the civil rights movement.⁵ Even such a controversial figure as Huey P. Newton, co-founder of the party, has been honoured in 2021 with a memorial statue in West Oakland.⁶

Personally, I prefer underhanded legal strategies to crude implements such as weapons, out of pragmatism rather than scruple. Nevertheless, I have to admit it's hard to argue against such a deterrent as the muzzle of a gun. Many progressives must be in agreement, since leftist and liberal gun groups across the United States report a surge of members following the murder of Alex

³Umoja, A. O. (2013). *We Will Shoot Back: Armed Resistance in the Mississippi Freedom Movement*. NYU Press; Cobb, C. E. (2015) *This nonviolent stuff'll get you killed: how guns made the civil rights movement possible*. Duke University Press.

⁴"When Martin Luther King gave up his guns" (The Guardian, 2014/01/20; originally published by Waging Nonviolence, 2014/01/15)

⁵"Decades later, a new look at Black Panthers and their legacy" (Associated Press, 2021/10/31)

⁶"Black Panther Party Leader's 'Love and Legacy' Captured in Sculpture and Documentary" (Public Broadcasting Service, 2022/04/21)

Pretti by ICE officers in broad daylight.⁷ History does repeat itself indeed, as today's legal observers tracking ICE emulate Black Panthers' copwatching in the late 1960s—whose armed patrols themselves have made a resurgence in Philadelphia as of late.⁸

The automatism defence

Speaking of Newton, he was notoriously involved in an October 1967 shooting incident with police officers which led to a most peculiar defence at trial, reminiscent of the necessity defence's legal theory of moral involuntariness (see Chapter 4).

Newton was charged with the murder of Oakland Police Department officer John Frey and assault with a deadly weapon against his colleague Herbert Heanes. The alleged crime unfolded at a traffic stop, during which Frey ordered Newton out of the car so he could arrest him. Heanes testified that he heard a gunshot, and as he turned around with his own weapon drawn a bullet grazed his arm, so he fired at Newton's abdomen, after which he heard additional gunshots from the direction the two men tussled. Frey was pronounced dead at the hospital from five gunshot wounds. Oddly, neither his revolver nor the murder weapon was ever found.⁹

In his defence at trial, Newton denied shooting the officers nor to have carried a pistol on that day, and that Frey shot him first. His testimony went as follows:

Seizing defendant's left arm with his right hand, Officer Frey told him to go back to his patrol car. De-

⁷"Leftist and liberal gun groups are seeing a rush of new members" (CNN, 2026/02/01)

⁸"On patrol with the Black Panthers in Philadelphia" (Canadian Broadcasting Corporation, 2026/02/07)

⁹*People v. Newton*, 8 Cal. App. 3d 359, 87 Cal. Rptr. 394 (Cal. Ct. App. 1970)

fendant walked, with the officer “kind of pushing” him, past the first police car to the back door of the second one. Defendant opened his book and said, “You have no reasonable cause to arrest me.” The officer said, “You can take that book and stick it up your ass, Nigger.” He then struck defendant in the face, dazing him. Defendant stumbled backwards and fell to one knee. Officer Frey drew a revolver. Defendant felt a “sensation like ... boiling hot soup had been spilled on my stomach,” and heard an “explosion,” then a “volley of shots.” He remembered “crawling ... a moving sensation,” but nothing else until he found himself at the entrance of Kaiser Hospital with no knowledge of how he arrived there. He expressly testified that he was “unconscious or semiconscious” during this interval, that he was “still only semiconscious” at the hospital entrance, and that—after recalling some events at Kaiser Hospital—he later “regained consciousness” at another hospital.

The order in which shots were fired is unclear based on testimonies, while it appears Frey might have been shot by his own service weapon being turned against him during the scuffle. Normally the accused could assert legitimate defence, but that option was taken off the table once he claimed to have no recollection of ensuing events. This left only the unconsciousness defence, which in legalese implies the defendant wasn't aware of his actions at the time of the offence:

The defense called Bernard Diamond, M.D., who testified that defendant's recollections were “compatible”

with the gunshot wound he had received; and that “[a] gunshot wound which penetrates in a body cavity, the abdominal cavity or the thoracic cavity is very likely to produce a profound reflex shock reaction, that is quite different than a gunshot wound which penetrates only skin and muscle and it is not at all uncommon for a person shot in the abdomen to lose consciousness and go into this reflex shock condition for short periods of time up to half an hour or so.”

Newton was convicted of voluntary manslaughter instead of outright murder, an indication that the jury actually bought his story. The defence challenged the verdict before the Court of Appeal of California, on the grounds that the court had neglected to instruct the jury that the unconsciousness defence could fully exonerate the defendant. The court agreed and ordered a new trial; he would get two, both concluding with deadlocked juries. The prosecution threw up its hands in defeat, to the delight of ‘Free Huey!’ campaign supporters,¹⁰ over five thousand of which had rallied in July 1968 during his original trial.¹¹

Of course the defence of non-insanity automatism does not automatically prevail, given its high burden of proof and the difficulty of convincing a jury of the defence’s air of reality. The Supreme Court of Canada has determined in 1999 that it befalls on the defendant to establish a proper evidentiary foundation for automatism, and also to rule out any mental disorder causing it.¹² The resulting margin is indeed very narrow, and the defence has

¹⁰“Case Against Newton Dropped” (The Dispatch, 1971/12/15)

¹¹“Free Huey Movement” (Public Broadcasting Service, 2002/10/19?)

¹²*R. v. Stone*, 1999 CanLII 688 (SCC), [1999] 2 SCR 290

been rejected several times by Canadian courts due to lack of evidence.

That being said, there are certain occupational hazards related to activism which can form the basis of an automatism defence, such as concussions and asphyxia, both likely consequences of proximity to police forces and rival factions.

In 1969 the Supreme Court of Nova Scotia overturned the convictions of a man who illegally drove a truck after suffering a concussion resulting from an assault.¹³ The defence has also been validated by the Ontario Court of Justice in 2012 in a case involving a parking enforcement officer whose head hit the ground face first after being knocked down; his conviction for assault in retaliation was nonetheless upheld due to inconclusive expert evidence.¹⁴

From a medicolegal standpoint, post-traumatic amnesia may indeed form the evidentiary basis of a sane automatism defence.¹⁵ Amnesia can also result from traumatic asphyxia,¹⁶ which is a predictable consequence of chokeholds,¹⁷ and also from electroshock weapon discharges, even if aimed away from the head.¹⁸ Tear gas

¹³*Regina v. Baker*, 1969 CanLII 1018 (NS SC)

¹⁴*R. v. Henry*, 2012 ONCJ 767 (CanLII)

¹⁵McCrory, P. (2001). *The medicolegal aspects of automatism in mild head injury*. British journal of sports medicine. 35. 288-90. 10.1136/bjsm.35.5.288.

¹⁶Layton BS, Krikorian R, Dori G, Martin GA, Wardi K. *Posttraumatic stress disorder with amnesia following asphyxiation*. Ann N Y Acad Sci. 2006;1071:488-490. doi:10.1196/annals.1364.048; Cuschieri, J. (2002). *Traumatic Asphyxia*. In: Karmy-Jones, R., Nathens, A., Stern, E.J. (eds) *Thoracic Trauma and Critical Care*. Springer, Boston, MA. https://doi.org/10.1007/978-1-4615-1127-4_16

¹⁷"Unlocking the Confusion Around Chokeholds" (Police Magazine, 2019/03/05); "Doctors Have Long Warned That Chokeholds Are Deadly" (The New York Times, 2023/05/04)

¹⁸Biering K, Kærgaard A, Carstensen O, Nielsen KJ. *Unconsciousness and amnesia after cross-body electric shocks not involving the head-A prospective cohort study*. PLoS One. 2023;18(4):e0283957. Published 2023 Apr 4. doi:10.1371/journal.pone.0283957

canisters can cause concussions upon impact, while the gas proper can cause asphyxia in poorly ventilated areas.¹⁹

God forbid I ever suggest activists resort to a dishonest defence upon being charged with assault, especially against peace officers. I would rather invite the latter to reflect upon the trauma inflicted by controversial restraining techniques and crowd control ordnance, in order to prevent such unfortunate incidents and to spare defendants the trouble of invoking the automatism defence before sympathetic jurors. Just saying.

Disqualified immunity

Who the fuck do you think you're fucking with? I'm the police, I run shit here. You just live here. Yeah, that's right, you better walk away. Go on and walk away... 'cause I'm gonna' burn this motherfucker down. King Kong ain't got shit on me. That's right, that's right. Shit, I don't, fuck. I'm winning anyway, I'm winning... I'm winning any motherfucking way. I can't lose. Shit, you can shoot me, but you can't kill me.

Training Day (2001)

Don't hesitate to assert creative defences against the police, since it conversely invokes some of its own.

The nastiest is qualified immunity, a doctrine invented by the United States Supreme Court in 1967 to shield law enforcement officials from prosecution should they violate the law in the course of their duties.²⁰ It arose with the mass arrests of Freedom Riders

¹⁹"Tear gas, projectile canisters can pose serious injury, experts say" (FOX News, 2020/06/02); Schep LJ, Slaughter RJ, McBride DI. *Riot control agents: the tear gases CN, CS and OC-a medical review*. J R Army Med Corps. 2015;161(2):94-99. doi:10.1136/jramc-2013-000165

²⁰*Pierson v. Ray*, 386 U.S. 547 (1967); see also *Robert L. Pierson et al., Appellants, v. J. L. Ray et al., Appellees*, 352 F.2d 213 (5th Cir. 1965)

for using a segregated interstate bus terminal waiting room in Jackson, Mississippi, in September 1961, under a breach of peace statute which would be declared unconstitutional in 1965. The court upheld the Fifth Circuit Court of Appeals' reasoning that police officers weren't bound by law to predict the outcome of eventual constitutional challenges to the underlying legislation, and consequently enjoyed qualified immunity as long as they acted in good faith.

Qualified immunity wouldn't have gotten out of control if not for another Supreme Court precedent made in 1982, which rose the bar even further by asserting police officers could only be prosecuted if their conduct violated a clearly established precedent.²¹ This opened the floodgates for bogus acquittals, for two reasons. One, it created an obvious *Catch-22*: new precedents cannot be made if courts dismiss cases on the basis that defendants enjoy qualified immunity due to lack of precedent. And two, it invited moving the goalposts by stressing irrelevant distinctions, such as in this uncanny case of a correctional officer using pepper spray on an inmate for no reason whatsoever, thus violating multiple clearly established precedents to the contrary, on a basis so absurd I prefer to reproduce it *verbatim*:

Above, we held that the spraying crossed that line. But it was not *beyond debate* that it did, so the law wasn't clearly established. This was an isolated, single use of pepper spray. McCoy doesn't challenge the evidence that Alamu initiated the Incident Command System immediately after the spray, nor that medical personnel promptly attended to him and provided copious amounts of water. Nor does he provide evidence

²¹*Harlow v. Fitzgerald*, 457 U.S. 800 (1982)

to contest the Use of Force Report's finding that Alamu used less than the full can of spray. In somewhat related circumstances, we held that spraying a prisoner with a fire extinguisher "was a *de minimis* use of physical force and was not repugnant to the conscience of mankind." *Jackson v. Culbertson*, 984 F.2d 699, 700 (5th Cir. 1993) (per curiam). Similarly here, on these facts, it wasn't beyond debate that Alamu's single use of spray stepped over the *de minimis* line. For that reason, the law wasn't clearly established.²²

That being said, the decision was so preposterous that the Supreme Court remanded it in February 2021, on the grounds that such an obvious civil rights violation did not require an identical precedent, and ordered the lower court to take a November 2020 decision into consideration.²³ But the harm was long done; from 1982 onward, it had become virtually impossible to hold a peace officer accountable for any civil rights violation, no matter how egregious, even after the court introduced an exception for obviously unconstitutional conduct in 2002.²⁴ That is, until Derek Chauvin's trial for the murder of George Floyd.

In May 2020, George Floyd, a black man, was apprehended by four Minneapolis police officers over a report he used a counterfeit \$20 bill to buy cigarettes, already abusive a pretext to begin with (it can happen to anyone without intent; I myself ended up with a counterfeit \$10 bill many years ago). Floyd died during the arrest, due to white officer Derek Chauvin pressing his knee against the

²²*McCoy v. Alamu*, No. 18-40856 (5th Cir. 2020)

²³*McCoy v. Alamu*, 141 S.Ct. 1364(Mem), 209 L.Ed.2d 114(Mem) (2021); see also *Taylor v. Riojas*, 141 S. Ct. 52, 54 (2020)

²⁴*Hope v. Pelzer*, 536 U.S. 730 (2002)

suspect's neck for over nine minutes while the latter lay prone in handcuffs, amid squeals that he couldn't breathe and earnest bystander pleas to release him.²⁵

In this case there were no clearly established precedents at-testing to Chauvin's specific conduct being unreasonable, nor did it meet the extremely high bar set for obviously unconstitutional conduct, and yet the defendant was unsuccessful at asserting qualified immunity at his murder trial. Can you tell what happened in-between that may have convinced the judge of the defendant's conduct being nonetheless obviously unconstitutional? Nationwide protests in May and June 2020, in over two thousand cities from coast to coast,²⁶ that's what.

And even that is an understatement. Minneapolis rioted for five days in the aftermath of the incident; the National Guard had to be dispatched just to support firefighters as dozens of buildings across the city burned, including the 3rd Precinct police station.²⁷ The situation was similarly heated in Los Angeles, where the governor declared a state of emergency and mobilized the National Guard at the mayor's request, to counter civil disorder not seen since the Rodney King Riots in 1992.²⁸

Deprived of a get-out-of-jail-free card, Chauvin's defence team was reduced to attempting Hail Mary arguments, like pointing out as justification that an unconscious suspect may reawaken

²⁵"George Floyd: What happened in the final moments of his life" (British Broadcasting Corporation, 2020/07/15)

²⁶"How Black Lives Matter Reached Every Corner of America" (The New York Times, 2020/06/13)

²⁷"'They Have Lost Control': Why Minneapolis Burned" (The New York Times, 2020/06/03); "Unrest After George Floyd's Death: Violence Spans Twin Cities, 3rd Precinct Overtaken & Burned, CNN Reporter Arrested" (CBS News, 2020/05/29)

²⁸"L.A. reels from looting and arrests not seen in decades" (The Los Angeles Times, 2020/05/31)

and become combative—which ironically affirms the automatism defence introduced in the previous section.²⁹ The defendant was nonetheless convicted of second-degree unintentional murder in April 2021 then sentenced to 270 months in prison.³⁰ The State of Minnesota Court of Appeals upheld both the verdict and sentence.³¹ Further appeals were denied,³² as even the Supreme Court wouldn't take on a case this toxic.

Public outrage triggered a legislative push for increased police accountability, starting with the *George Floyd Justice in Policing Act* of 2021, which among other provisions would have curbed qualified immunity. The bill passed in the House of Representatives only to die in the Senate; even then, it has been reintroduced in subsequent Congressional sessions.³³ Dozens of states have attempted to pass their own measures, largely in vain.³⁴ The city of New York, however, did enact an ordinance in March 2021 ending qualified immunity for its police officers,³⁵ a rare victory among a jumble of watered-down measures and partisan gridlock.

Hope is not lost, as judges have started pushing back. Here's

²⁹“Prosecution in Derek Chauvin trial rests after 11 days, 38 witnesses and dozens of video clips. Here are the highlights.” (USA Today, 2021/04/13)

³⁰“Chauvin guilty of murder and manslaughter in Floyd's death” (The Associated Press, 2021/04/20)

³¹“Chauvin murder conviction upheld in George Floyd killing” (The Associated Press, 2023/04/17); see also *State v. Chauvin*, 955 N.W.2d 684 (Minn. App. 2021)

³²“US Supreme Court rejects ex-cop Chauvin's appeal in George Floyd murder” (Reuters, 2023/11/20)

³³“U.S. House passes sweeping police reform bill named after George Floyd” (The Associated Press, 2020/06/25); “What is the George Floyd Justice in Policing Act and is it likely to pass?” (The Guardian, 2023/02/06); “Rep. Glenn Ivey reintroduces George Floyd Justice in Policing Act” (Afro News, 2025/09/23)

³⁴“Dozens of states have tried to end qualified immunity. Police officers and unions helped beat nearly every bill.” (The Washington Post, 2021/10/07)

³⁵“New York City moves to end qualified immunity, making it the 1st city in US to do so” (ABC News, 2021/03/29)

the rationale behind a 2024 US District Court for the Southern District of Mississippi decision denying qualified immunity to a detective who falsely accused someone of capital murder using for all evidence a lying, drug-impaired jailhouse snitch:

Qualified immunity was invented by the Supreme Court in 1967. In plain English, it means persons wronged by government agents cannot sue those agents unless the Supreme Court previously found substantially the same acts to be unconstitutional. See *Mullenix v. Luna*, 577 US. 7, 11-12 (2015). A cynic might say that with qualified immunity, government agents are at liberty to violate your constitutional rights as long as they do so in a novel way.

Most plaintiffs in this situation argue that the officer that wronged them isn't entitled to qualified immunity. Green does that. Unlike others, though, he has taken the next step and argued that qualified immunity is itself unlawful. He joins lawyers, professors, judges, and even Supreme Court Justices who have called for the doctrine's re-evaluation, if not its abolition.

The Court agrees with these calls for change. Congress's intent to protect citizens from government abuse cannot be overridden by judges who think they know better. As a doctrine that defies this basic principle, qualified immunity is an unconstitutional error. It is past time for the judiciary to correct this mistake.

The Court presents Green's allegations, the governing legal standards, and the substantive case law below. It concludes that the detective is not entitled to qualified immunity. Her actions violated clearly-established

law. Even if this were not the case, the detective's quest would fail. For qualified immunity has no basis in law. It is an extra-constitutional affront to other cherished values of our democracy.³⁶

With this decision the court effectively engaged in civil disobedience by refusing to acknowledge Supreme Court precedents. But you know what? Judges enjoy judicial immunity, which shields them from liability arising from exercising their prerogative while on the bench, so there.³⁷

The Fifth Circuit Court of Appeals upheld the decision to deny the defendant qualified immunity, but begrudgingly overturned the District Court's rationale as follows:

Finally, we turn to Green's argument that qualified immunity is unlawful. Though recognizing the uphill battle, Green preserves his argument that qualified immunity rests on an erroneous interpretation of the *Civil Rights Act* of 1871 and is "unsound law." The district court, agreeing with Green, provided significant background on the doctrine's faulty underpinnings and effects.

But given our role as "middle-management circuit judges, we must follow binding precedent." The district court is "not free to overturn" our circuit's precedent, nor are we permitted to overturn the Supreme Court's. We readily acknowledge the legal, social, and practical defects of the judicially contrived qualified-immunity doctrine, but we are powerless to scrap it.³⁸

³⁶*Green v. Thomas*, 734 F. Supp. 3d 532 (S.D. Miss. 2024)

³⁷*Bradley v. Fisher*, 80 U.S. 13 Wall. 335 335 (1871)

³⁸*Green v. Thomas*, 5th Cir. 2025, Docket No. 24-60314.

Naturally, the courts may never acknowledge that the turning point in the debate was a wave of riots. Yet civil disorder remains the mob's ultimate recourse when every democratic guardrail fails and every legal avenue is exhausted. Woe betide any government which disparages the most fundamental prerogative of an oppressed populace.

Chapter 12

The endgame

John Connor: "We're not gonna make it, are we? People, I mean."

The Terminator: "It's in your nature to destroy yourselves."

Terminator 2: Judgment Day (1991)

Beware of burnout

Upon reading this far, you may feel like the knowledge in this book can make you invincible. Surely no government which won't resort to shooting the mob can withstand this devilry, right?

You would be dead wrong. Three years devoted to activism have taught me what our single worst menace is. It isn't the government. It isn't the police. It isn't Big Money, the mainstream media, propaganda, or disinformation. It is us.

I began Chapter 2 by introducing the concept of ochlocracy, or mob rule, and how authorities fear it. Our counterparts have learned to channel public discontent rather than systematically suppressing it, just like they have long learned the value of parley. Activists have to learn the same lessons, by embracing antithetical concepts such as politics, law, and diplomacy, as I demonstrated throughout this work. The flip side of mob rule is that it is no more viable on its own than authoritarianism. They form a dichotomy like order and chaos; imbalance leads to infighting and collapse.

In a sense, authorities are right to fear us, because on our own we would turn on each other endlessly and bring everything to ruin.

I am convinced that if we activists just rallied together for a common cause instead of bickering among ourselves, we would indeed become invincible. But in practice activists are, for better or worse, headstrong. Many are libertarians, anarchists, or radicals. We're all convinced we're right and the rest of the world is wrong—starting of course with our closest allies. None of us likes to be told what to do, thus we abhor leadership. Few of us understand diplomacy and accept compromise. We either take turns deliberating in vain with a talking stick, unable to ever make a decision, or we resort to drowning each other's voices before slamming the door on each other's fingers. We may fight alongside each other as long as our respective agendas converge, but in the end we're all rivals.

As disputes take their toll, setbacks pile up, and frustration builds up, we actually grow paranoid and bitter. We distrust our former allies and become recluse. We shun mainstream media narratives and embrace the very disinformation we sought to counter. We dress in black and sink as low as painting graffiti on walls or smashing windows out of spite. We outright fight each other rather than common foes, which have the last laugh.

I navigated such shitstorms myself. Three years on, I was thoroughly burnt out, if only due to my poor health. Many allies wasted my time with dithering and crass incompetence. I couldn't stand petty disputes anymore and felt sorely underappreciated. Left and right, my closest partners withdrew from activism for the exact same reasons. As the town's activist scene virtually collapsed, I rage quit altogether and spent the next several months on worthier pursuits, such as saving Faerûn from the combined menace of the mind flayers and the death gods triad (in other

words, I played *Baldur's Gate 3*).

I look at my retirement as a tactical retreat. Upon reaching the end of my rope, I was fighting battles I couldn't win at the moment with the meagre means at hand, and any more struggle might even have killed me outright.

Allow me to warn you about what activism feels like as you jump into the fray. Activism is war, and protests are battles. As your campaigns devolve into trench warfare, battlegrounds turn to mud, and casualties mount, you may end up losing hope. You may start hating your allies, the people you advocate for, and the rest of the world while you're at it. You may start hating your own powerlessness to stop the inexorable. But don't stop fighting, even if you lose faith in humanity and your own cause. If nothing else, keep fighting for your own sake. Because we're all in the same boat together, and other people's problems are our own.

My favourite portrayal of this quandary belongs to the realm of fiction, in the Japanese light novel series *86* by Asato Asato (adapted into an animated series). It revolves around Major Vladilena Milizé of the San Magnolian military, mandated to oversee a squad of children conscripted from minority racial groups to fight endless waves of war machines on behalf of the insouciant majority hiding behind its walls. She comes to loathe her own country as the brutal reality sets in and her troops are deliberately sent on suicide missions so they won't rebel against their cowardly overlords. Eventually the walls crumble as everyone else at headquarters stands down, out of cynicism and resignation. Yet defying orders, she musters a desperate last stand of a sham republic she firmly believes deserves to fall, leading troops and protecting a populace she hates. She keeps fighting out of sheer grit, even though their struggle seems vain and pointless, for her own sake

and in memory of the children she sent to their deaths.

In reality, just about anyone would throw in the towel in a fit of rage instead, as in this case I witnessed firsthand. I snapped the following picture at a Palestine protest in downtown Victoria, of an unseemly scene in the middle of a meltdown by the organizers, which a police community liaison officer defused before the situation grew out of control. At the time I took this picture down upon request because the subject (recognizable even from behind by acquaintances) faced retaliation for being shown way too close to a cop, which missed the point I meant to convey. Now that tempers have cooled down, I'm publishing it again. This grief-stricken man may be you down the road, being talked out of fucking your whole life up by a dirty cop of all people, six months into a campaign to persuade the world to stop the genocide of your people. This is indeed what activism feels like when things don't go your way.



Captured in Victoria, British Columbia, at a Palestine protest in April 2024. Community liaison officer on the right is Mark Jenkins of the Victoria Police Department, whom I begrudgingly acknowledge acted professionally (ACAB notwithstanding).

You may fail to grasp the gravity of this. That's just fine. I presume only someone who has tasted defeat after putting everything on the line for a cause can understand its pull. When it does happen to you, heed my warning: relent, lest activism destroy you and all that which you sought to achieve.

Pyrrhic victories

[To the Free State soldier who killed Harry Boland]

Michael Collins: "You killed him you little uniform git! You plugged him you little 'Free State' gobshite! You were meant to protect him."

Free State Soldier: "But he was one of them, sir—"

Michael Collins: "No, sonny! You don't understand. He was one of us."

Michael Collins (1996)

If you think victory feels any better, think again. Many revolutionaries have made the mistake of presuming their struggles would end by defeating their foes, while in fact the fighting had just begun. Before starting your own revolution, learn the importance of mastering politics and diplomacy from failed ones, by those who lost patience or lacked foresight; otherwise your every victory shall be hollow.

In Chapter 8 I've shown how the Egyptian Revolution of 2011 unraveled. The government of Hosni Mubarak collapsed, but the Egyptian people couldn't capitalize on its downfall, because it failed to build the proper legal and political foundations for victory beforehand. In the end, the people rejected its own provisional government, thereby inviting the military back into power.

Let's have a look back at the aftermath of India's independence from the British Empire in 1947, after decades of steadfast struggle. One would imagine Gandhi to have been content with the

result, if only it hadn't been followed by the country's partition among sectarian lines, decreed by the *1947 Indian Independence Act*, which led to massive migration to and from newly-founded Pakistan. Gandhi resorted to hunger strikes in desperation as riots spread across the country.¹ To this day, violence persists in the disputed Kashmir region.²

Another example is the Irish Civil War of 1922-23 between the Provisional Government of Ireland and the Anti-Treaty IRA. The conflict erupted at the conclusion of the Irish War of Independence of 1921-1922. Weary of fighting insurgencies, the British government changed its strategy: it purposefully split the Irish into two factions by offering them only half of what they demanded, the main points of contention being the partition of the country and having to pledge allegiance to the British Crown. The provisional government ratified the *Anglo-Irish Treaty* with a slim majority, which proved to be its undoing as the minority rebelled. The ultimate irony is that the ensuing civil war was actually won by the British, which supplied the Free State Army with artillery and armoured cars to turn against its erstwhile allies.³ Even then, the civil war didn't truly end with the Free State Army's victory in 1923; violence kept breaking out sporadically between survivors of both factions, especially during the Troubles which started in the late 1960s, to end only with the *Good Friday Agreement* of 1998.⁴

This is victory viewed through the lens of cynicism. Truly, down

¹"Remembering Why Gandhi Starved Himself" (Time Magazine, 2007/08/17)

²"'Nowhere to go': Kashmir violence escalates amid India-Pakistan cross-fire" (Al Jazeera, 2025/05/08)

³"How civil war erupted at the Irish Four Courts 100 years ago" (British Broadcasting Corporation, 2022/06/27)

⁴"As Good Friday Agreement turns 25, Northern Ireland reflects on what's gone right and wrong with peace" (The Globe and Mail, 2023/04/06)

the road of activism awaits only despair. Deal with it.

Literal burnout

Every fibre of Agapito called out for him to order the attack and he knew that the Talons would gladly obey once they saw the target. His hearts hammered and blood throbbed through his body, flushing him with rage.

A detonation rocked the building across the street as the first of the skitarii war engines clanked into range, sending an avalanche of smashed masonry onto the road.

Agapito barely noticed the explosion.

He was here to avenge; to punish; to kill.

Yet at the burning heart of his anger there was a cold core, formed of pure hatred. It did not fuel his rage but cut through it, gifting him with clarity, shredding the fugue of ire that clouded his thoughts.

'Victory is vengeance,' the commander muttered.

'Please repeat, commander, what are your orders?'

'Victory is vengeance,' Agapito said, louder and more confidently. He could see the traitors with his own eyes now, a few hundred metres away, cutting through a bombarded district temple. Beyond them he spied larger shapes moving through the gloom of the smoke; Mechanicum reinforcements. If the Raven Guard attacked, then they would certainly be surrounded, even if they destroyed the Word Bearers.

Cold, rational hatred won over blind fury.

'Withdraw to grid one, at speed.' He issued the order through gritted teeth, as though the words were forcing themselves from his throat under protest.

—Excerpt from *Corax: Soulforge* by Gav Thorpe (Black Library, 2013)

When tempers flare and the fighting gets heated, the compulsion to bring down your foes even if it means going down in flames with them may grow nearly irresistible. Trust me, I've experienced it myself, and I've witnessed it in many fellow activists who embraced radicalism out of spite rather than acumen.

Don't be your own worst enemy by giving in; live to fight another day instead. Be a cockroach through and through, even if you disgust yourself in the process with conduct barely distinguishable from cowardice. Remember Chapter 4's lesson in asymmetric warfare: *Engage the enemy only on your own terms*. If you cannot prevail immediately, then recollect yourself, withdraw, and consolidate your support in anticipation of the next charge. Play the long game, and win in the long run. Choose lasting victory over vindictiveness and martyrdom.

Reckless obstinacy can jeopardize an entire revolution, as it did the Chōshū clan's rebellion against the Tokugawa shogunate near the end of Japan's feudal period. In July 1864, the rebellion's Kyōto cell was wiped out in a single night before it could carry out a plot to set the capital aflame as a prelude to a military incursion to liberate the Emperor. While cooler heads among rebel leaders camping outside the city advised caution and patience, those blinded by the imperative to exact immediate retribution prevailed, even though their plan lay in tatters. Against all reason, the rebels marched on the city the next month anyway, despite being dramatically outnumbered by the shogunate's forces, and



A depiction of the Forbidden Gate incident of August 1864, during which rebel forces marched on Kyōto against overwhelming odds, to burn 28,000 dwellings devoid of strategic value. Source: *Rurouni Kenshin tome 16*, by Nobuhiro Watsuki (Shueisha, 1998). Used without permission under the fair dealing exemption of Canada's *Copyright Act*. If you believe your copyright is being violated, sue me.

suffered catastrophic casualties as a result, which almost proved to be their undoing.⁵

As a warning, I close the concluding chapter of this work with a brief discussion of human rights activists who literally set themselves on fire out of grief or desperation, after giving up on legal and political recourse, instead attempting to incite a revolt with the most powerful of symbols. They burned brightly indeed. Yet their light extinguished just as quickly, leaving only ashes for

⁵*Conflict in Modern Japanese History: The Neglected Tradition*, edited by Tetsuo Najita and J. Victor Koschmann (Princeton University Press, 1982)

legacy. Honour their sacrifice, but don't follow their example. Keep seeking a political solution, even if it means building the underlying framework from scratch, over the course of years or even decades. Governments may break or even collapse overnight, but no lasting reform happens thus.

Most Palestine activists are familiar with Aaron Bushnell, a US Air Force serviceman who in February 2024 set himself alight before the Israeli embassy in Washington DC while wearing his uniform, to denounce the US-backed genocide of Palestinians in Gaza.⁶ Two years on, the onslaught continues unabated; for all his noble intent, Bushnell died a mere footnote in America's ephemeral media spotlight.⁷

Better known among self-immolation cases are the Tibetan monks who set themselves on fire in protest of China's cultural genocide since it annexed Tibet in 1950. About 160 have done so sporadically since February 2009, in order to draw attention to their plight. Yet Tibet is no more free nowadays than it was seventeen years ago. The outpouring of international support they wished for did not materialize. Those who made the ultimate sacrifice have merely accelerated the eradication of Tibetan culture. Don't take my word for it, but that of a Tibetan man: "Don't self-immolate just because my cousin did. Don't consider him a hero. If you really want to do something good for Tibet, go to school, preserve the language, and be a good Tibetan."⁸

You may be surprised to find self-immolation in the history of labour rights. But South Korea under military dictatorship used

⁶"Active-duty airman sets himself on fire outside D.C.'s Israeli Embassy" (The Washington Post, 2024/02/25)

⁷"Suicide vs genocide: Rest in power, Aaron Bushnell" (Al Jazeera, 2024/02/26)

⁸"Tibet Is Still Burning" (Outside, 2019/09/24)

to have among the harshest working conditions in the world in a paradoxical push by its government to raise the country's abysmal standard of living. In 1970, a worker named Jeon Tae-il set himself on fire in protest as a last resort; his last words were: "Abide by the *Labour Standards Law*! Workers are not machines! Do not let my death be in vain!" His mother, Lee So-sun, dedicated herself to his cause henceforth by illicitly organizing factory workers and staging demonstrations.⁹ Although whether Jeon Tae-il's death was indeed vain remains a matter of debate, it would nevertheless take the 1987 Great Labour Struggle, a natural consequence of the June Democratic Struggle which finally transitioned the country into a democratic state, for South Korean workers to earn the right to unionize, the authorities brutally crushing every act of defiance in the meantime.¹⁰

More recently, the Arab Spring of 2010 was sparked by Mohamed Bouazizi, a Tunisian fruit merchant who set himself on fire after the police confiscated his scales, on which depended his livelihood, for working as a street vendor without a permit. A video clip of his death went viral, the resulting outrage triggering revolutionary uprisings across North Africa and the Middle East.¹¹ The Egyptian Revolution failed because the sudden democratic wave left a power vacuum; the Egyptian people were eager for change, but not yet ready for self-determination.¹² The Syrian popular uprising ravaged the country with civil war which has only concluded in December 2024 with the belated collapse of the Assad regime,

⁹"E51: Jeon Tae-il and Lee So-sun" (Working Class History, 2021/03/24)

¹⁰"Great Labor Uprising of summer 1987" (The Korea Times, 2017/08/02)

¹¹"Remembering Mohamed Bouazizi: The man who sparked the Arab Spring" (Al Jazeera, 2020/12/17)

¹²"Arab Spring: How the uprisings still echo, 10 years on" (British Broadcasting Corporation, 2021/02/11)

leaving in its wake nothing but scorched earth.¹³ The fall of the Gaddafi regime in Libya invited jihadi factions rather than democratic reform.¹⁴ Tunisia also failed to turn itself around; Hosni Kalaya, a man who set himself on fire three weeks after Bouazizi, conceded in an interview that he regretted his act even though it changed History.¹⁵

Earlier I announced my intention of crossing the aisle by running for office, just like I told how I once did the same with legal advocacy. I elected to out of desperation, not personal ambition, for I hate politics more than anything else. In Chapter 8 I presented my rationale, in this chapter my inspiration. Revolution is a gruelling process which must not be rushed lest it fizzle out and self-injury ensue. If you're serious about enacting lasting change, bide your time and plan ahead, in memory of those who in contrast chose martyrdom in vain.

¹³“What happened in Syria? How did al-Assad fall?” (Al Jazeera, 2024/12/08)

¹⁴“‘War weary’ Libya reflects 10 years on from Gaddafi and Arab spring” (The Guardian, 2021/04/26)

¹⁵“Tunisia’s revolution 14 years on: ‘The emperor has no clothes’” (Al Jazeera, 2025/01/15); “‘I changed Tunisia’s history. I regret it all now’ – video” (The Guardian, 2015/12/17)

Conclusion

We must respect evil, and we must make evil respect us.

Millennium, Season 2, Episode 2: Beware of the Dog (1997)

It is said that the price of freedom is eternal vigilance.

American historians often argue that the Union won the Civil War, but the Confederacy won the peace. The same can be said of the Nazi by the way, which like neoconfederates have made a breathtaking resurgence as of late.¹ Both factions are known to have massively infiltrated law enforcement across the United States in recent decades.² In fact, one factor explaining the January 2021 Capitol insurrection debacle was widespread sympathy for the rioters among public officials charged with defending the institution.³

Nowadays the blight permeates every level of the US government, starting of course with the White House. Speaking of which, do you remember when in Chapter 2 I enumerated the key tactics Putin employed in order to subvert the Russian Federation? Let's talk about those employed by Trump to subvert American

¹"How White Supremacist Cops Use 'Ghost Skins' to Stay Hidden—According to One Former Neo-Nazi" (Newsweek, 2020/09/14)

²"White supremacists and militias have infiltrated police across US, report says" (The Guardian, 2020/08/27)

³"US Capitol riot: police have long history of aiding neo-Nazis and extremists" (The Guardian, 2021/01/16)

democracy, just in the first year of his second term:⁴ He massively pardoned insurrectionists on his first day in office;⁵ undermined the judiciary with intimidation⁶ and scandalous nominations such as that of his former defence lawyer;⁷ gutted the Department of Justice's (DOJ) Civil Rights Division, and turned it into a political retaliation apparatus;⁸ muzzled the press with abusive defamation lawsuits,⁹ and pressured it to silence irreverent comedians such as Jimmy Kimmel;¹⁰ cracked down on Diversity, Equality, and Inclusion (DEI) policies;¹¹ turned Immigration and Customs Enforcement (ICE) into an unscrupulous state militia and unleashed it unto racial minorities,¹² massively abducting them, rounding them up in concentration camps,¹³ and deporting them even in contempt of

⁴“12 ways the Trump administration dismantled civil rights law and the foundations of inclusive democracy in its first year” (The Conversation, 2026/01/16)

⁵“Trump issues sweeping pardons and commutations for Jan. 6 rioters” (ABC News, 2025/01/20)

⁶“Stop fanning these flames’: Judges say White House needs to tone down attacks” (Politico, 2025/07/31)

⁷“More than 900 ex-U.S. Justice Dept. employees warn against Trump judicial nominee Emil Bove” (Canadian Broadcasting Corporation, 2025/07/16)

⁸“Clicks and PR’: The Perversion of the DOJ Civil Rights Division Under Trump” (Rolling Stone Magazine, 2026/01/23)

⁹“Trump has ramped up lawsuits against the media. Here’s where they stand.” (The Washington Post, 2026/01/25)

¹⁰“US TV hosts back Kimmel as Trump threatens networks” (British Broadcasting Corporation, 2025/09/19)

¹¹“Federal agencies begin removing DEI guidance from websites in Trump crackdown” (The Associated Press, 2025/01/24)

¹²“We Found That More Than 170 U.S. Citizens Have Been Held by Immigration Agents. They’ve Been Kicked, Dragged and Detained for Days.” (ProPublica, 2025/10/16)

¹³“Don’t call it ‘Alligator Alcatraz.’ Call it a concentration camp.” (MS NOW, 2025/07/05); “Why Japanese American memories of US internment during the second world war are stirring up protests in 2025” (The Conversation, 2025/08/22)

judicial orders,¹⁴ such as those protecting Kilmar Abrego Garcia;¹⁵ condoned violent crackdowns on peaceful protesters and even the extrajudicial killings of Renée Nicole Good and Alex Pretti;¹⁶ deployed the military on domestic soil and even threatened to invoke the *Insurrection Act*;¹⁷ purged historical displays of the country's civil rights violations;¹⁸ and even conspired to undermine the electoral process ahead of the midterms to preserve Republican majorities in both chambers of Congress¹⁹—all the while floating the prospect of an unconstitutional third term as President.²⁰

The remainder of the government has started turning on his administration. Federal workers have since massively resigned from their positions.²¹ Judges have grown insubordinate amid erosion of judicial power;²² one was even convicted of obstructing justice for enabling a defendant to evade ICE agents via the courtroom's back

¹⁴“DOJ acknowledges violating dozens of recent court orders in New Jersey” (Politico, 2026/02/18)

¹⁵“Timeline: Wrongful deportation of Kilmar Abrego Garcia to El Salvador” (ABC News, 2025/12/30)

¹⁶“In Minneapolis, ICE clashes with Minnesotans who want them out” (Canadian Broadcasting Corporation, 2025/12/19); “Thousands of new ICE watchers hit the streets after two killings” (The Washington Post, 2026/01/31)

¹⁷“Why is Trump deploying the National Guard to US cities?” (British Broadcasting Corporation, 2025/11/27); “Trump threatened to invoke the Insurrection Act (again). What is it?” (2026/01/15)

¹⁸“Trump reshapes US historical and cultural institutions” (Reuters, 2026/01/30); “Citing Orwell's ‘1984,’ judge orders Trump administration to return slavery exhibits removed from Philadelphia museum” (CNN, 2026/02/16); see also *City of Philadelphia v. Burgum*, 2:26-cv-00434, (E.D. Pa. Feb 16, 2026) ECF No. 54

¹⁹“Trump says Republicans should ‘nationalize’ elections” (Politico, 2026/02/02)

²⁰“Trump Once Again Floats Another Run for President: ‘Should I Try for a Fourth Term?’” (Time Magazine, 2026/01/22)

²¹“Largest Mass Resignation in US History as 100,000 Federal Workers Quit” (Newsweek, 2025/09/30)

²²“Federal Judges Are Fed Up With SCOTUS” (Democracy Docket, 2025/09/05)

door.²³ Some members of Congress have desperately reached out with a video imploring armed forces to refuse to comply with illegal orders.²⁴ The country teeters on the brink of civil war, which may erupt by the end of 2026 as the administration undermines the upcoming election;²⁵ several contemporary uprisings have started precisely this way.²⁶

All eyes are set on the United States because the current world order, which emerged following the horrors of World War II, rests on American influence; the world's sole superpower even hosts the United Nations headquarters. When the beacon of democracy and individual freedoms collapses, the whole world shall tremble.

Don't go thinking none of this concerns you because you live abroad. I myself live in Canada, which is separated from the United States by an imaginary line on the ground, the world's longest undefended border at that. Trump has already revealed his intention to take over Canada—along with Venezuela, Greenland, Cuba, Mexico, and Iran.²⁷ Even discounting a military invasion, subversive forces already undermine Canadian sovereignty by promoting

²³“Wisconsin judge convicted of obstructing arrest of immigrant resigns as GOP threatens impeachment” (The Associated Press, 2026/01/03)

²⁴“Trump says Democrats should be arrested for urging military to refuse unlawful orders” (Public Broadcasting Corporation, 2025/11/20)

²⁵“Trump, seeking executive power over elections, is urged to declare emergency” (The Washington Post, 2026/02/25)

²⁶“The Color Of Change: Ukraine's Orange Revolution” (Radio Free Europe, 2025/01/04); “Protests in Belarus as disputed early election results give President Lukashenko an overwhelming victory” (CNN, 2020/08/10); “41 minutes of fear: A video timeline from inside the Capitol siege” (The Washington Post, 2021/01/16); “Georgia PM says protesters tried to overthrow government, vows crackdown” (Al Jazeera, 2025/10/05); “Opposition says ‘hundreds’ killed in Tanzania post-election protests” (Al Jazeera, 2025/10/31)

²⁷“From Greenland to Iran: Trump's threats stretch far and wide since his Venezuela strike” (CNN, 2026/01/06)

separatism,²⁸ just like Putin did in the Donbas region of Ukraine as a prelude to the February 2022 invasion which still rages four years on.²⁹ One day American tanks may suddenly roll past the border following a diplomatic incident used as a pretext—let's say by an off-duty Canadian soldier making yet another assassination attempt against Trump.³⁰ Remember that World War I was triggered by the assassination of Archduke Franz Ferdinand of Austria by Serb nationalists in 1914,³¹ thus shattering a fragile political equilibrium in Europe reminiscent of the simmering crises that have recently afflicted the Russian Federation, the European Union, and the United States of America. The powder keg is set to detonate at any time.

And don't tell me no one could have seen it coming; anyone who looked up the word 'surreal' in 2016 could have predicted what would happen in 2026 at that rate.³² It was every American's duty to know. It was everybody's duty worldwide to care, just like it was their duty to care about civil rights in Russia, Israel, Egypt, China, Iran, Belarus, the Phillipines, and every other authoritarian hot spot or volatile region on this planet. Because in this modern age prosperous societies can no longer hide behind walls, pretending to be safe from all evils beyond.

Yet progressive voices have stood by in silence while regressive forces subverted democratic governments. Rote meliorist narra-

²⁸"Canada separatists accused of 'treason' after secret talks with US state department" (The Guardian, 2026/01/29)

²⁹"What are the Ukraine 'separatist' regions at the crux of the Russian invasion" (ABC News, 2022/03/04)

³⁰"How Many Times Has Someone Tried to Assassinate Donald Trump? What We Know" (Newsweek, 2024/10/15)

³¹"Inside the murder plot that changed the course of history" (National Geographic, 2025/09/26)

³²"'Surreal' is Merriam-Webster's 2016 Word of the Year" (Canadian Broadcasting Corporation, 2016/12/22)

tives have made our generation complacent. Philosophers like the Roman historian Polybius have long warned that the cycle of government concludes with collapse under mob rule;³³ I warn in contrast that democratic societies collapse when they outlast those who built them and newer generations take their way of life for granted, as we have. It is no coincidence that the international order built in the aftermath of World War II is collapsing eighty years later; that is approximately the human life expectancy in developed countries.

Now that the wolves are bragging about having taken over the henhouse, Western democracies have entered their terminal stage of malignancy. My prognosis is extremely bleak: it is too late to save them. I have shown you how they were once built, because this generation has to build them anew. You, who are reading this book in 2026, have to do this. Every one of us is a civil rights pioneer, who will set the foundations for the democratic states that shall emerge from the ashes of the old. Some of us will go down in History for drafting those enactments, others for upholding them in the face of adversity. Future generations will carry the torch, taking those battles from where we left them. You have a role to play in this. Yes, I mean you, so don't look nervously around waiting for your neighbour to take the lead; muster your courage, step forward, and be a leader yourself.

Generations past observe us from beyond the grave, urging us to defend the rights they fought for so we would enjoy them today. Will you be up to the task, or instead be found wanting?

³³See *The Histories Book VI* by Polybius, translated in 1923 by W.R. Paton

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